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WARRANT FOR SPECIAL
STATE PRIMARY ELECTION APRIL 3, 1990

MIDDLESEX, SS

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the inhabitants of said Chelmsford who are qualified to vote in the Special State Primary Election, to vote at:

Precinct 1. Town Office Building Gymnasium

Precinct 2. Harrington Elementary School Gymnasium

Precinct 3. Harrington Elementary School Gymnasium

Precinct 4. Westlands School Cafeteria

Precinct 5. Byam School Cafeteria

Precinct 6. Westlands School Cafeteria

Precinct 7. McCarthy Middle School, Small Gymnasium

Precinct 8. McCarthy Middle School, Small Gymnasium

Precinct 9. Town Office Building Gymnasium

On Tuesday, the 3rd day of April 1990, being the first Tuesday in said month, from 7:00 a.m. until 8:00 p.m., for the following purpose:

To bring in their vote in the Special State Primary Election for the following vacancy:

For the candidate for Senate in the General Court, 5th Middlesex District

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said election.

Given under our hands this 23 day of March , A.D. 1990.

BOARD OF SELECTMEN OF TOWN OF CHELMSFORD

Henrick R. Johnson, Jr Chairman

Bonita A. Towle, Vice Chairman

Dennis J. Ready, Clerk

Bradford O. Emerson

Roger A. Blomgren

COMMONWEALTH OF MASSACHUSETTS

[DDLESEX, SS 3-26-90

ırsuant to the within warrant, I have notified and warned the ıhabitants of the Town of Chelmsford by posting up attested ɔpies of same at the following places, to wit: ɔwn Office Building Gym, Harrington School Gymnasium, Harrington chool Gymnasium, Westland School Cafeteria, Byam School afetorium, Westland School Cafeteria, McCarthy Middle School nall Gymanisum, McCarthy Middle School Small Gymanisum, and Town ffice Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence

William E. Spence,
Constable

True Copy Attest, William E. Spence

William E. Spence, Constable

WARRANT FOR ANNUAL
TOWN ELECTION APRIL 3, 1990

MIDDLESEX, SS

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the legal voters of said Chelmsford to meet in their several polling places, Viz:

Precinct 1. Town Office Building Gymnasium

Precinct 2. Harrington Elementary School Gymnasium

Precinct 3. Harrington Elementary School Gymnasium

Precinct 4. Westlands School Cafeteria

Precinct 5. Byam School Cafeteria

Precinct 6. Westlands School Cafeteria

Precinct 7. McCarthy Middle School, Small Gymnasium

Precinct 8. McCarthy Middle School, Small Gymnasium

Precinct 9. Town Office Building Gymnasium

On Tuesday, the 3rd day of April 1990, being the first Tuesday in said month at 7:00 a.m. until 8:00 p.m. for the following purposes:

To bring in their vote for the following officers:

One Town Moderator for three years

One Selectman for three years

One Member of Board of Health for three years

Two Members of School Committee for three years

One Cemetery Commissioner for three years

Two Planning Board Members for three years

Three Members of Public Library Trustees for three years

Two Sewer Commissioners for three years

One Sewer Commissioner for two years

One Member of Housing Authority for five years

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said election.

Given under our hands this 23 day of March , A.D. 1990.

BOARD OF SELECTMEN OF TOWN OF CHELMSFORD

Henrick R. Johnson, Jr Chairman

Bonita A. Towle, Vice Chairman

Dennis J. Ready, Clerk

Bradford O. Emerson

Roger A. Blomgren

COMMONWEALTH OF MASSACHUSETTS

IDDLESEX, SS 3-26-90

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ffice Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence

William E. Spence,
Constable

True Copy Attest, William E. Spence

William E. Spence, Constable

TOWN ELECTION
APRIL 3, 1990

*indicates candidate for re-election

	Pct 1	Pct 2	Pct 3	Pct 4	Pct 5	Pct 6	Pct 7	Pct 8	Pct 9	TOTAL
TOWN MODERATOR 3 yr										
Dennis E. McHugh*	410	423	488	473	549	512	536	452	435	4278
Blanks	133	110	131	126	170	150	144	133	133	1230
TOTAL	543	533	619	599	719	662	680	585	568	5508
SELECTMAN 3 yr										
Rose A. Sergi	92	143	122	109	124	110	113	137	92	1042
Roger A. Blomgren*	240	199	307	256	319	326	360	252	250	2509
Richard P. Tevlin	179	166	153	188	230	188	173	173	195	1645
Blanks	32	25	37	46	46	38	34	23	31	312
TOTAL	543	533	619	599	719	662	680	585	568	5508
BOARD OF HEALTH 3 yr										
Mark W. Gauthier*	385	388	457	449	510	472	478	423	409	3971
Blanks	158	145	162	150	209	190	202	162	159	1537
TOTAL	543	533	619	599	719	662	680	585	568	5508
SCHOOL COMMITTEE (2) 3 yr										
Samuel Poulton*	180	196	210	195	246	221	248	198	170	1864
Judith B. Mallette	330	249	366	356	510	427	431	284	358	3311
Jeffrey W. Stallard	121	194	154	137	143	107	122	167	119	1264
Mary E. Frantz	282	241	362	305	327	367	373	293	313	2863
Blanks	173	186	146	205	212	202	186	228	176	1714
TOTAL	1086	1066	1238	1198	1438	1324	1360	1170	1136	11016
CEMETERY COMMISSION 3 yr										
Charlotte P. DeWolf*	401	409	474	456	537	490	498	436	407	4108
Blanks	142	124	145	143	182	172	182	149	161	1400
TOTAL	543	533	619	599	719	662	680	585	568	5508
PLANNING BOARD (2) 3 yr										
Thomas E. Firth Jr *	312	319	373	427	433	405	386	342	347	3344
Eugene E. Gilet*	306	343	384	354	433	411	427	375	328	3361
All Others	1	0	0	0	0	0	0	0	0	1
Blanks	467	404	481	417	572	508	547	453	461	4311
TOTAL	1086	1066	1238	1198	1438	1324	1360	1170	1136	11016

*indicates candidate for re-election

	Pct 1	Pct 2	Pct 3	Pct 4	Pct 5	Pct 6	Pct 7	Pct 8	Pct 9	TOTAL
TRUSTEES OF PUBLIC LIBRARY (3) 3 yr										
Suzanne E. White	240	156	223	251	322	254	259	191	281	2177
Elizabeth A. McCarthy*	346	268	365	341	439	423	447	341	348	3318
D. Lorraine Lambert*	324	346	419	374	420	395	429	409	312	3428
Lynda Reid Warren	245	305	306	249	313	285	303	301	261	2568
Blanks	474	524	544	582	663	629	602	513	502	5033
TOTAL	1629	1599	1857	1797	2157	1986	2040	1755	1704	16524
SEWER COMMISSION (2) 3 yr										
Robert E. Olson	207	143	162	201	177	181	173	139	124	1507
Robert E. Cole	67	59	92	100	104	118	100	69	112	821
Richard J. Day	130	201	197	178	223	186	211	236	173	1735
Paul F. Ahern	119	122	139	122	237	148	205	134	151	1377
Robert P. Joyce*	322	252	275	281	323	313	317	270	289	2642
Blanks	241	289	373	316	374	378	354	322	287	2934
TOTAL	1086	1066	1238	1198	1438	1324	1360	1170	1136	11016
SEWER COMMISSION 2 yr										
Jeffrey A. Brem	216	212	223	306	295	325	283	229	236	2325
John F. Souza	212	200	223	191	238	185	210	213	200	1872
Blanks	115	121	173	102	186	152	187	143	132	1311
TOTAL	543	533	619	599	719	662	680	585	568	5508
HOUSING AUTHORITY 5 yr										
Ruth K. Delaney*	395	395	432	469	496	479	476	422	395	3959
Blanks	148	138	187	130	223	183	204	163	173	1549
TOTAL	543	533	619	599	719	662	680	585	568	5508

SPECIAL STATE REPUBLICAN PRIMARY
APRIL 3, 1990

SENATOR IN GENERAL CT 5th Middlesex to fill vacancy	Pct 1	Pct 2	Pct 3	Pct 4	Pct 5	Pct 6	Pct 7	Pct 8	Pct 9	TOTAL
Lucile "Cile" P. Hicks	151	130	181	157	262	206	243	174	177	1681
Markham H. Lyons	58	36	72	69	71	62	57	62	70	557
Blanks	3	4	4	6	8	5	6	6	0	42
TOTAL	212	170	257	232	341	273	306	242	247	2280

SPECIAL STATE DEMOCRATIC PRIMARY
APRIL 3, 1990

SENATOR IN GENERAL CT 5th Middlesex to fill vacancy	Pct 1	Pct 2	Pct 3	Pct 4	Pct 5	Pct 6	Pct 7	Pct 8	Pct 9	TOTAL
Joseph W. Mullin	197	142	175	209	200	198	177	187	161	1646
Robert J.Waddick	62	73	101	87	71	68	56	93	54	665
All Others	0	0	0	0	1	0	0	0	0	1
Blanks	8	7	7	10	9	13	11	10	3	78
TOTAL	267	222	283	306	281	279	244	290	218	2390

Warrant for Special Town Meeting
April 23, 1990

Middlesex, ss

To the Constable, or any other suitable person of the Town of Chelmsford:

In the name of the Commonwealth, aforesaid you are hereby requested to notify and warn the Town Meeting members of said Chelmsford to meet in the McCarthy Middle School Auditorium on Monday evening, the twenty-third day of April, 1990 at 7:30 p.m., then and there to act upon the following Articles:

Article 1. To see if the Town will vote to accept the provisions of Section 41 of Chapter 653, Acts of 1989, relative to quarterly property tax billings; or act in relation thereto.

TOWN TREASURER

Article 2. To see if the Town will vote to accept the provisions of Section 40 of Chapter 653, Acts of 1989, relative to changes in assessment dates, for property tax billing purposes; or act in relation thereto.

TOWN TREASURER

Article 3. To see if the Town will vote to transfer and appropriate the sum of $240,600.00, from unexpended proceeds of amounts authorized for capital planning project expenditures, under Article 13 of Annual Town Meeting 1986, Articles 4, 15, and 17 of Annual Town Meeting 1987, Articles 11 and 13 of Annual Town Meeting 1988, and Articles 3 and 10 of Annual Town Meeting 1989, for the following purposes:

		COST
	Town Clerk	
1.	Optech Voting Machine	$34,600.00
	School Department	
2.	Repair McCarthy Junior High School Tennis Courts	$60,000.00
3.	Furniture for three classrooms	$10,000.00
	Public Buildings	
4.	Mandatory removal or upgrade of oil tanks	$25,000.00

	Department of Public Works/ Sewer Division	
5.	Pick-up truck	$11,000.00
6.	Drainage projects	$75,000.00
	Library Department	
7.	Replace carpentry at Adams Library and Children's House	$13,000.00
8.	Pipe, ceiling and lighting work in Adams Library	$12,000.00
	TOTAL	$240,600.00

; or act in relation thereto.

BOARD OF
SELECTMEN
CAPITAL PLANNING

Article 4. To see if the Town will vote to transfer and appropriate the sum of $204,319.00 from free cash in the Treasury to line item 141, County Retirement Assessment; or act in relation thereto.

BOARD OF
SELECTMEN

Article 5. To see if the Town will vote to amend the Chelmsford Sewer Commission Betterment Assessments and Sewer Privilege Fees, dated September 8, 1986, as prepared by Weston and Sampson Engineers, copies of which are on file with the office of the Board of Selectmen and Town Clerk as follows:

1. Under Section 3.2.2 subtitled "Non-Residential, Developed", delete subsection 3.2.2.2. and substitute the following in its place:

3.2.2.2. Non-residential buildings which are metered for water use shall comprise a number of sewer units based upon water consumption using the following formula:

$$\frac{\text{Non-residential water usage in gallon per day (gpd)}}{\text{300 gpd/sewer units}} = \text{equivalent number of sewer units}$$

(All decimals shall be rounded up to the nearest whole number.)

Non-residential water usage in the above formula shall be based upon an average of the past two years water use. If less than two years of metered water consumption records are available, water use will be based on Title 5 (Part 2, Section 13) of the State Environmental Code for the Commonwealth of Massachusetts, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage;

2. After Section 3.2.4. subtitled "Non-Residential, Undeveloped" add a new section 3.2.5 subtitled "Dual Use Properties" and a new subsection 3.2.5.1 as follows:

3.2.5 Dual Use Properties

3.2.5.1 Properties having both residential and nonresidential uses shall be assessed based on the total number of units for the residential portion and the non-residential portion, based on Section 3.2.1 and 3.2.2 respectively, with an allowance made for residential water use. Dual use properties shall have a minimum assessment of two sewer units.

3. Under Section 5.1 subtitled "Private Sewer Extension" delete the last sentence of the first paragraph and insert in its place the following:

Sections 4.2 and 4.5 of these regulations shall govern a property owner's method of payment.

4. Under Section 5.2 subtitled "Public Sewers on Unaccepted Ways" amend the subtitle to read "Public Sewers on Unaccepted Ways and Easements", delete the section in its entirety and insert in its place the following:

If a property abuts a private or unaccepted way or easement within which a public sewer has been installed, or if a property lies within one hundred (100) feet of a public sewer located within a private or unaccepted way or easement, the Town shall assess a sewer privilege fee in lieu of a betterment assessment against said property. The sewer privilege fee shall be equivalent to the betterment assessment value pertinent to said property as determined following procedures outlined in Section 3 of these regulations and shall be levied at the time of connection to the public sewer. Sections 4.2 and 4.3 of these regulations shall govern the method of payment.

5. Under Section 5.3 subtitled "Compensatory Sewer Privilege Fee" delete the entire paragraph and insert in its place the following:

5.3 Compensatory Sewer Privilege Fee

In situations where (1) a betterment has been assessed to an undeveloped property based upon the estimated number of developable sewer units as required by these regulations and said property is ultimately developed to accommodate a number of sewer units in excess of the number estimated for determining the betterment assessment and (2) a betterment has been assessed to a developed parcel and later in time the use of that parcel is increased to accommodate a number of sewer units in excess of the number estimated for determining the betterment assessment, the Town shall assess a compensatory sewer privilege fee to reflect the increased use. This fee shall be equivalent to that sum of money that would have been charged as a betterment assessment upon the additional sewer units at the time of the original assessment. Sections 4.2 and 4.5 of these regulations shall govern the method of payment.

6. After Section 4.4 subtitled "Betterment Deferral" add a new Section 4.5 subtitled "Apportionment of Privilege Fees" as follows:

4.5 Apportionment of Privilege Fees

Property owners in condominium developments exceeding 200 units shall have the option to finance privilege fees through apportionment. The interest rate charged by the Town shall be 2 percent greater than the project bond rate being paid by the Town for the public sewer construction project in the area of the condominium development. Apportionment under this section shall not exceed 5 years and shall constitute a municipal lien on said property until the privilege fee is fully paid;

or act in relation thereto.

SEWER COMMISSION

Article 6. To see if the Town will vote to approve the filing of a petition in the General Court for an act relative to Reduction in Ranks for Certain Public Employees in the Town of Chelmsford, said act to be filed in the following form:

AN ACT RELATIVE TO REDUCTION IN RANK FOR CERTAIN PUBLIC EMPLOYEES IN THE TOWN OF CHELMSFORD.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

Section I: Notwithstanding the provisions of section thirty-three of the General Laws or the first sentence of section thirty-nine of Chapter thirty-one of the General Laws or of any other general or special law or rule to the contrary, if permanent employees of the fire force of the Town of Chelmsford serving in any position in a title above the lowest title on such force are to be separated from such positions because of lack of money or the abolition of such positions, they shall be separated from such positions according to their seniority in such title after permanent

promotion in such force and shall be reinstated to such positions held by them according to such seniority; provided, however, that this section shall apply only to reductions in force resulting in demotions from titles above the lowest title on such force and shall not affect the seniority of any employee in service for any other purpose, including but not limited to, the separation of permanent employees from service on such force.

Section II: This act shall take effect upon its passage.

; or act in relation thereto.

PETITION

Article 7. To see if the Town will vote to convey, for consideration to be determined, all right, title, and interest, if any, held by the Town in a certain parcel of land located off Riverneck Road in Chelmsford, containing approximately 5507 square feet of land, more or less and being the same property, more fully described as Parcel B, on a Plan of Land entitled "Plan of Land, in Chelmsford, Massachusetts prepared for the Chelmsford Cemetery Department, March 24, 1990, by McGlinchey Associates, Inc." on file with the Town Clerk; or act in relation thereto.

CEMETERY
COMMISSION
BOARD OF
SELECTMEN

Article 8. To see if the Town will vote to authorize the Board of Selectmen to acquire in fee simple by purchase, eminent domain, or otherwise, for cemetery purposes, a certain parcel of land situated on Lexington Street, off Riverneck Road in Chelmsford, described as lots 197 & 198 as shown on a plan entitled "Otis Adams's Plan" recorded in the Middlesex North District Registry of Deeds, in Plan Book 7, Plan 27, containing 5000 square feet of land more or less, being the same premises conveyed to Peter Saras by Helen Saras in a deed dated October 31, 1983, recorded in the Middlesex North District Registry of Deeds in Book 2671, Page 532; and to see if the Town will vote to raise and appropriate , transfer and appropriate from available funds, transfer and appropriate from the

Stabilization Fund, transfer and appropriate from revenue sharing funds, and or borrow a certain sum of money to defray all necessary costs, fee and expenses in connection with the acquisition of said land; or act in relation thereto.

CEMETERY
COMMISSION
BOARD OF
SELECTMEN

Article 9. To see if the Town will vote as required by Article 97 of Amendments to the Constitution of Massachusetts, to approve the filing of a petition in the General Court, for an Act authorizing a sewer easement crossing on conservation land off Mill Road, Chelmsford, said easement shown as Easement 65 Pi on a plan entitled "Plan of Sewer Easement in Chelmsford, MASS, Phase IIB Sewers, dated February 1990, prepared by Richard F. Kominski & Assoc., Inc." on file with the Town Clerk; or act in relation thereto.

CONSERVATION
COMMISSION

ereof fail not and make return of this warrant with your doings thereon
: the time and place of said meeting.

iven under our hands this 6th day of April , A.D. 1990.

BOARD OF SELECTMEN OF TOWN OF CHELMSFORD

Henrick R. Johnson, Jr Chairman

Bonita A. Towle, Vice Chairman

Dennis J. Ready, Clerk

Bradford O. Emerson

Roger A. Blomgren

COMMONWEALTH OF MASSACHUSETTS

DLESEX, SS 4-9-90

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abitants of the Town of Chelmsford by posting up attested
ies of same at the following places, to wit:
n Office Building Gym, Harrington School Gymnasium, Harrington
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etorium, Westland School Cafeteria, McCarthy Middle School
ll Gymanisum, McCarthy Middle School Small Gymanisum, and Town
ice Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence,
Constable

rue Copy Attest, William E. Spence.
William E. Spence, Constable

SPECIAL TOWN MEETING
APRIL 23, 1990

The Special Town Meeting was called to order at 7:35 PM at the McCarthy Middle School Auditorium, by the Moderator Dennis E. McHugh. There were 157 Representative Town Meeting members present.

The Moderator explained the rules and procedures of the Representative Town Meeting format. He pointed out the fire exits located within the hall.

Selectman Ready moved that the reading of the Constable's return of service an posting of the warrant be waived. It was so voted, unanimously. Selectman Ready moved that the reading of the entire warrant be waived. It was so voted. unanimously.

The Moderator than read a list of the students elected as participants to the April 26, 1990 Student Government Day activities. They are as follows:

Town Moderator, Jamie Athanasoulas
Board of Assessors, Evan Sheehan
Cemetery Comissioners:
    Lisa Podgur
    Judianne Rigazio
    Edward Morris
Cemetery Superintendent, Rebecca Edwards
Sewer Commissioners:
    Joe McNiff
    Bill Christie
    Mike Woodlock
Board of Health:
    Carrie Sougnez
    Melissa Quigley
Council on Aging Director, Jen Daly
Housing Authority:
    Dana Klayner
    Julie Wright
    Lisa Provencher
Superintendent of Streets, Rob Carey
Building Inspector, Daron Shields
Veterans Agent, David Smith
Wiring Inspector, Chad Woods
Superintendent of Buildings, Mike Todd
Superintendent of Schools, Hilary Ward
DPW Director/Town Engineer, Dan Willman
Town Manager, Rachel DeYoung
Finance Committee:
    Steve Datur
    Brent Popolizio
    Kim Monahan
Town Clerk, Laura Marcotte
Treasurer/Tax Collector, Brian Ritchie
Selectmen:
    Andria Mitsakos
    Sara Siljanker
    Amy Hiltz
    Richard Burtt
    John Rega

project. The Town Manager and the Board of Selectmen moved to delete item 1, the Optech voting machines, $34,600.00. And item 5, the pick up truck for the Sewer Department, $11,000.00 for a total article figure of $195,000.00. The Selectmen felt it would be better to wait and see what the results of the May 1st override questions would be. If layoffs or cut backs have to take place then extra vehicles may become available. The Finance Committee is in favor of the motion to amend. The Town Manager was not in favor of deleting the pick up truck. He felt that there is a definite need. Presently there are two men and one truck. John Emerson of the Sewer Commission explained that the two employees very often have to be in different areas of the Town for hook ups or inspections, the Town is paying mileage to one employee for the use of his vehicle. William Spence spoke in favor of the deletions. He suggested that the Sewer Department obtain an old cruiser for transportation. Lorraine Lambert wanted the Optech voting machines to appear on the June 4th Town Meeting warrant. The Moderator explained that if there was a Capital Planning article on the agenda then she could amend the article by adding the voting machines to it. Further discussion took place. The Moderator asked for a voice vote on the motion to delete items 1 & 5, motion carried. Selectman Roger Blomgren moved to delete the remaining items in the article in their entirety. He felt that the items could be brought back at another time. The Finance Committee was not in favor of the motion. They felt that this was Capital Planning money being used, not operating money. Bernard Lynch explained that the money must be used for Capital Planning items only. The money can not be put towards the budget or any other item. The unused money is gaining interest, the Federal goverment will soon be issuing penalties because it is not being used. Discussion took place. Town Treasurer James Doukszewicz, who is also a member of the Captial Planning Committee went through the list explaining why each item appeared on it. The Moderator asked for a voice vote on the motion to delete the article, motion defeated. Robert Joyce moved to delete item 2, repairing the McCarthy Middle School tennis courts. The Finance Committee and the Board of Selectmen were against the motion. A discussion took place, a lot of people spoke for and against the motion to defeat. Was there a real need considering the present money situation? Concerns were expressed about the Town's liability if the courts are left unrepaired. Also this is one of the few public facilities in the town. Money has been invested already by building them. Barbara Ward moved the question to stop debate. The Moderator asked if there was any need to hear further debate? Hearing none, he asked for a voice vote on the motion to delete item 2, motion defeated. He then went on to item 3. Andrew Silinish moved the question to stop any further debate on the entire article. The Moderator attempted a voice vote which failed, the following tellers came forward and a hand count was taken:

Richard McClure, Patrick Calnan, Robert Burns, Timothy O'Connor

The Moderator explained this is to stop debate on the article. The result of the hand count: Yes 109 No 37 2/3's is 96 motion carried to stop debate. The Moderator asked for a voice vote on the article as amended minus items one and five, with the figure of $195,000.00. Motion carried, unanimously. The article reads as follows:

Selectman Bonita Towle moved that the Town vote to transfer and appropriate the sum of $195,000.00 from unexpended proceeds of amounts authorized for capital planning project expenditure, under Article 13 of Annual Town Meeting 1987, Articles 11 and 13 of Annual Town Meeting 1988, and Articles 3 and 10 of Annual Town Meeting 1989, for the following purposes:

1.	School Department Repair McCarthy Middle School Tennis Courts	$60,000.00
2.	Furniture for three classrooms	10,000.00
3.	Public Buildings Mandatory removal or upgrade of oil tanks	25,000.00
4.	Drainage Projects	75,000.00

Town Constable, Mary Schmidt
School Committee:
Kim Marsella
Eric Pearson
Stephanie MacDougall
Jennifer Kalos
Donna Sartz
Planning Board:
Karen Boss
Josh Blagg
Todd Lawrence
Library Trustees:
Christine Maggio
Jason Smyrloglou
State Senator,Patti Lee
Police Chief, Bridget Maloney
Ass't Police Chief, Michael Metivier
Fire Chief, Brenda Carroll
Ass't Fire Chief, Jeff Fuller
State Representative, Frank Soracco

The Town Meeting body acknowledged them with a round of applause. The Moderator reminded the Town Meeting Body that absentee ballots were available at the Town Clerk's Office for the up coming Special Town and State Election on May 1st.

UNDER ARTICLE 1 Selectman Bonita Towle moved that the Town vote to accept the provisions of Section 41 of Chapter 653, Acts of 1989, relative to quarterly property tax billings.

Town Manager Bernard Lynch explained that the State passed an act which would allow the cities and towns to bill the residents of their communities quarterly for their property taxes. Presently the taxes are billed twice a year. The Finance Committee supported the motion. The Board of Selectmen were in favor of the article. The Moderator asked for a voice vote, motion carried.

UNDER ARTICLE 2 Selectman Bonita Towle moved that the Town vote to accept the provisions of Section 40 of Chapter 653, Acts of 1989, relative to changes in assessment dates, for property tax billing purposes.

Town Manager Bernard Lynch explained that this will allow the Board of Assessors to extend the new growth assessment cut off date of January 1st to July 1st. This is a one time revenue windfall which could result in $50,000.00 in tax monies. The Finance Committee recommended the article. The Board of Selectmen also recommended the article. Robert Joyce asked how many other cities and towns have adopted this policy. Bernard Lynch said that it will be appearing on a lot of warrants this year. He knew that the Town of Andover and Lexington have accepted this. The Moderator asked for a voice vote, motion carried.

UNDER ARTICLE 3 The Moderator read the article. The Town Manager explained that the Capital Planning Committee with his approval has prepared a list of projects. The money being used is left over from projects of previous years. He further explained that once a project is approved with a certain amount of money that is the only item that the money can be spent on. If a bid comes in higher then anticipated then the project needs to be voted more money or it is never acted on. If a project costs less than the money appropriated, then any money left over must be voted on at a town meeting and used for another capital planning

5.	Replace carpenting at Adams Library and Children's House	13,000.00
6.	Pipe, ceiling, and lighting work in Adams Library	12,000.00
		$195,000.00

Lorraine Lambert moved to reconsider the article. She wanted to add the Optech Voting Machines back into the article. The Finance Committee did not support reconsideration. There will be opportunity on another Capital Planning article to take up the question of the voting machines. The Board of Selectmen did not recommend reconsideration. It could be taken up at the Annual in June. The Moderator asked for a voice vote, motion defeated.

UNDER ARTICLE 4 Selectman Bonita Towle moved that the Town vote to transfer and appropriate the sum of $204,319.00 from free cash in the Treasury to line item 141, County Retirement Assessment.

Town Manager Bernard Lynch explained this was the is balance due from what paid at the October meeting. The Finance Committee and the Board of Selectmen supported the article. The Moderator asked for a voice vote, motion carried, unanimously.

UNDER ARTICLE 5 The Moderator read the article. Chairman of the Sewer Commission Barry Balan explained the article. This would allow any condominium development with 200 or more units who do not front on public sewer, to be able to extend their private sewer line to the public sewer line and pay a privilege fee. The owners will be allowed to apportion these payments over five years including interest. As a result of apportionment a lien will be placed on each individual unit, which would guarantee five year's of payment to the Town. All other developments under 200 units and individual home owners who extend private sewer to public sewer and do not front public sewer, will have to pay the privilege fees up front before any connection is allowed, which would be 60% of the betterment fee. A lengthy discussion took place. Many questions were asked and answered. Richard DeFreitas moved the question to stop debate. The Moderator asked for a voice vote on the motion to stop debate, motion carried, unanimously. The Moderator asked for a voice vote on the article. Motion carried unanimously, and reads as follows:

> Chairman of the Sewer Commission Barry Balan moved that the Town vote to amend the Chelmsford Sewer Commission Betterements Assessments and Sewer Privilege Fees, dated September 8, 1986, as prepared by Weston & Sampson Engineers, copies of which are on file with the office of the Board of Selectmen and Town Clerk as follows:
>
> 1. Under Section 3.2.2. subtitled "Non-Residential, Developed", delete subsection 3.2.2.2. and substitute the following in its place:
>
> 3.2.2.2. Non-residential buildings which are metered for water use shall comprise a number of sewer units based upon water consumption using the following formula:

Non-residential water usage in gallon per day (gpd) / 300 gpd/sewer units = equivalent number of sewer units

(All decimal numbers shall be rounded up to the nearest whole number.)

Non-residential water usage in the above formula shall be based upon an average of the past two years water use. If less than two years of metered water consumption records are available, water use will be based on Title 5 (Part 2, Section 13) of the State Environmental Code for the Commonwealth of Massachusetts, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage.

2. After Section 3.2.4. subtitled "Non-Residential, Undeveloped" add a new section 3.2.5. subtitled "Dual Use Properties" and a new subsection 3.2.5.1.as follows:

3.2.5. Dual Use Properties

3.2.5.1. Properties having both residential and nonresidential uses shall be assessed based on the total number of units for the residential portion and the non-residential portion, based on Section 3.2.1. and 3.2.2. respectively, with an allowance made for residential water use. Dual use properties shall have a minimum assessment of two sewer units.

3. Under Section 5.1. subtitled "Private Sewer Extension" delete the last sentence of the first paragraph and insert in its place the following:

Sections 4.2. and 4.5. of these regulations shall govern a property owner's method of payment.

4. Under Section 5.2. subtitled "Public Sewers on Unaccepted Ways" amend the subtitle to read "Public Sewers on Unaccepted Ways and Easements", delete the section in its entirety and insert in its place the following:

If a property abuts a private unaccepted way or easement within which a public sewer has been installed, or if a proeprty lies within one hundred (100) feet of a public sewer located within a private or unaccepted way or easement, the Town shall assess a sewer privilege fee in lieu of a betterment assessment against said property. The sewer privilege fee shall be equivilent to the betterment assessment value pertinent to said property as determined following procedures outlined in Section 3 of these regulations and shall be levied at the time of connection to the public sewer. Sections 4.2. and 4.3. of these regulations shall govern the method of payment.

5. Under Section 5.3. subtitled Compensatory Sewer Privilege Fee delete the entire paragraph and insert in its place the following:

5.3. Compensatory Sewer Privilege Fee

In situations where (1) a betterment has been assessed to an undeveloped property based upon the estimated number of developable sewer units as required by these regulations and said property is ultimately developed to accommodate a number of sewer units in excess of the number estimated for determining the betterment assessment and (2) a betterment has been assessed to a developed parcel and later in time the use of that parcel is increased to accommodate a number of sewer units in excess of the number estimated for determining the betterment assessment, the Town shall assess a compensatory sewer privilege fee to reflect the increased use. This fee shall be equivalent to that sum of money that would have been charged as a betterment assessment upon the additional sewer units at the time of the original assessment. Sections 4.2 and 4.5 of these regulations govern the method of payment.

6. Apportionment of Privilege Fees

Property owners in condominium developments exceeding 200 units shall have the option to finance privilege fees through apportionment. The interest rate charged by the Town shall be 2 percent greater than the project bond rate being paid by the Town for the public sewer construction project in the area of the condominium development. Apportionment under this section shall not exceed 5 years and shall constitute a municipal lien on said property until the privilege fee is fully paid.

UNDER ARTICLE 6 William Dalton moved that the town vote to approve the filing of a petition in the General Court for an act relative to Reduction in Ranks for certain Public Employees in the Town of Chelmsford, said act to be filed in the following form:

AN ACT RELATIVE TO REDUCTION IN RANK FOR CERTAIN PUBLIC EMPLOYEES IN THE TOWN OF CHELMSFORD

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

Section I: Notwithstanding the provisions of section thirty-three of the General Laws or the first sentence of section thirty-nine of Chapter thirty-one of the General Laws or of any other general or special law or rule to the contrary, if permanent employees of the fire force of the Town of Chelmsford serving in any position in a title above the lowest title on such force are to be separated from such positions because of lack of money or the abolition of such positions, they shall be separated from such positions according to their seniority in

such title after permanent promotion in such force and shall be reinstated to such positions held by them according to such seniority; provided, however, that this section shall apply only to reductions in force resulting in demotions from titles above the lowest title on such force and shall not affect the seniority of any employee in service for any other purpose, including but not limited to, the separation of permanent employee from service on such force.
Section II: This act shall take effect upon its passage.

The Moderator read into the minutes a letter that was received from Mirick, O'Connell, DeMallie & Lougee, Law Office, where the Town's Labor Counsel is from, dated "April 20, 1990 to Thomas Horton, Esq. Ass't Town Counsel:

Re: Seniority Article on Chelmsford Town Meeting Warrant

Dear Mr. Horton:

This letter addresses our concerns regarding the proposal that an article be placed on the Chelmsford Town Meeting Warrant that would change the seniority rights of certain Town employees.

The Warrant Article provides that those permanent employees of the firefighting force of Chelmsford who serve in any position in a rank above the lowest rank on the force (firefighter) shall be separated from such positions according to their seniority in their rank after permanent promotion in the force. The provisions are applicable only when an employee is separated from his position because of lack of money or the abolition of his position. The Warrant provides that reinstatement shall be in the same manner.

The Collective Bargaining Agreement between the Town and Local 1839, IAFF, governing the terms and conditions of employment for firefighters, however, states that the seniority provisions of the Civil Service Law shall apply to all permanent employees of the firefighting force. The Civil Service Law provides that employees shall be separated from their positions according to their seniority in their department and not rank as proposed in the Warrant article.

The proposed change in seniority rights would, therefore, override the seniority provisions of the Collective Bargaining Agreement and may constitute a prohibited practice by the Town under Chapter 150E of the General Laws (the "Act") by interfering with the collective bargaining contract. Seniority rights, and the manner of reducing the work force, is a mandatory subject of bargaining under the Act. In a similar case involving mandatory subjects of bargaining, the Town of Bellingham bypassed the ongoing, collective bargaining negotiations with a Union and placed an Article on the Town Warrant which proposed changes in the hours and wages of town employees represented by the union. Council 93 AFSCME and Town of Bellingham, 9 MLC 1687 (1983). (Of course, it is well established that hours and wages of employees are mandatory subjects of bargaining.) The Commission found that the Town violated its statutory obligation to bargain in good faith. The Commission, citing an earlier case Commonwealth of Massschusetts, 4 MLC 1869, (1978) held, "a public employer cannot supersede the collective bargaining process by unilaterally placing a mandatory subject of bargaining before the Town Meeting and recommending passage before the parties have satisfied the bargaining obligation." 9 MLC at 1690.

While not completely free from doubt, we believe that the Weymouth School Committee and NAGE, 9 MLC 1091 (1982) case exception is not applicable to our issue because that case involved a local option law. In the Weymouth case, the Commission held that the Town did not violate its duty to bargain when it sought voter revocation of the Civil Service Statute because the Town Meeting has exclusive jurisdiction over the revocation of local option laws, thereby, no bargaining is required. In our case, the Union is not petitioning the Town meeting to accept or revoke the seniority provisions of a local option law but the union is attempting to change the seniority provisions contained in the General Laws. Therefore, there is an obligation to bargain between the Town and Union over such change.

In the negotiations for the current agreement, the union proposed to eliminate from the agreement the provision which specifies that seniority rights would be regulated by Civil Service Rules. However, the parties, after bargaining over this issue, did not include the Union proposal in the current agreement. Now, the union, by petitioning the Town Meeting, appears to be attempting to secure from the Town Meeting what they could not achieve at the bargaining table. As expressed in Commonwealth of Massachusetts, 4 MLC 1869 (1978), "a party cannot supersede the collective bargaining process by unilaterally placing a mandatory subject of bargaining before the Town meeting." The union's petition is, therefore, inappropriate.

Since the issue of seniority is a mandatory subject of bargaining, any change in the Agreement's provision regarding seniority would have to be accomplished through the collective bargaining process and not the Town Meeting. Therefore, the seniority issue should be referred to the Town Manager in his charter capacity as the Town's representative for collective bargaining. It should be noted, however, that since there is a current agreement between the parties, neither party has the right to force a modification of the Agreement at this time. The Agreement only provides for modification at the end of the term of the Agreement.

If you have any further questions on this matter, please feel free to contact me.

Sincerely yours, D.M. Moschos"

The Moderator then asked the Town Counsel to determine if the article is proper. James Harrington, Town Counsel explained that this article came before the Town Meeting Body via petition. It meets all of the technical requirements for the town meeting vote to petition the General Court for a special act. He summarized the labor counsel's letter. "There is concerns that this is a negotiable item that has been negotiated between union and the Town. The Town's negotiation agent is the Town Manager and that there is a contract". He cited chapter 150E which states "that the Town Manager will negotiate on behalf of the Town, the Fire Department's union will have their negotiator, they will then come together with a contract which will be presented in it's entirety to the Town to be voted on." Labor Counsel in his letter is arguing the fact that this is an attempt to try to negotiate the contract on a piece meal basis before this Town Meeting. This is not the procedure that has been followed in the past and he questions the legality of this. It is Town Counsel's opinion "that in the event this Town Meeting should vote to petition the General Court for this special act, we would then ask the House Counsel to make a determination as to the legality. It is the recommendation of our labor counsel that the negotiation of any contract with any union in the town should be done

at the negotiation table with the Town Manger who is our negotiating agent and the negotiating agent that is set forth by the union." James Boermeester came forward and stated that this article was submitted by him and had nothing to do with the Fire Department's union. He is a Captain on the Fire Department, and that this particular situation will effect him if there are any layoffs etc.. Presently the civil service law states senority is based on the date that you came on the force. The present structure of the Department is one chief, two deputies, and five captains, those are the only members that this particular article will effect. It will not effect the private firefighter, just the senior officers and no ones total senority. Currently one deputy chief who has eighteen years on the force which includes nine years as deputy chief is considered the senior deputy. The second deputy chief has twenty-three years on the force which includes one year as deputy chief. Under the Civil Service law if one deputy chief's position was to be eliminated then the deputy chief with the least amount of years in total service, regardless of the amount of years in the position of deputy chief, will be reduced to the rank of captain. That will cause a trickle down effect through out the captains. Currently Captain Boermeester who has thirteen years on the force which includes four as captain is third in rank. Another captain has 13 years and six months on the force with only one year as captain. If the deputy chief postion is eliminated then that person will become a captain and Captain Boermeester would be returned to the ranks of firefighter because he has less years in service, even though he has held the captain postion longer. Captain Boermeester discussed this with Carol Cleven the Town's State Representative, who told him to approach the Town Manager to place this on the Town Meeting warrant as a homerule petition. The Town Manager felt that this should be a negotiated item to be bargained for. Captain Boermeester disagreed because the two deputy chief's are non union members. These positions are under the Personnel Board's jurisdiction. Only the captains are union members. The only thing ever discussed during negotiations was that if layoffs occurred then they would be based on years of service. He gave an example, if a layoff would occur even though he was a captain, if a private had more years of service then the private would stay on the force and he would be laid off. He didn't understand why the labor counsel questioned the article, through legislation the City of Springfield and Holyoke have already enacted this article. The Springfield wording is the same as this article. He has spoken to the two people with the longest years in service in the positions that could be effected and they agree it should be time in the grade not time on the job that determines demotion. He asked for the Town Meeting body's support. The Finance Committee did not recommend this article. They believe it is a negotiated item. Selectmen Ready said that the majority of the Board of Selectmen supported the article. They would like to see it in place, they agree that it is only fair that senority be done within the job grade. They feel that it is good for the union and good for the town. James Sousa who is one of the Deputy Chief's confirmed what was said and asked for support. Town Manager Bernard Lynch stated that he agreed with the labor counsel's opinion. He feels that it is a collective bargaining issue. He feels that it will effect all members of the force, personnel and union members and that it could cause a violation of the contract. A discussion took place. Questions were asked if this was ever discussed during negotiations. Only the years of totsl service on the force would be determine for layoff were discussed. The issue of years in grade wasn't discussed as a factor. Samuel Poulten supported the article. He felt if there was a legal problem then let the House and Senate determine it. William Dalton said that all fifty-seven members of the Fire Department signed the petition and supported the article. More discussion took place.

Selectman Emerson moved the question. The Moderator asked if there was a need for further debate hearing none he asked for a voice vote on the motion, which left the chair in doubt. He asked for a show of hands, motion carried.

UNDER ARTICLE 7 Selectman Bonita Towle moved that the Town vote to convey for the consideration of $18,025.00 all right, title and interest, if any, held by the Town in a certain parcel of land located off Riverneck Road in Chelmford. containing approximately 5507 square feet of land, more or less and being the same property, more fully described as Parcel B, on a Plan of Land entitled "Plan of land in Chelmsford, Massachusetts prepared for the Chelmsford Cemetery Department, March 24, 1990, by McGlinchey Associates, Inc. on file with the Town Clerk.

Town Counsel James Harrington explained that Walter Arsenault, an abutter to the cemetery land was interested in purchasing the land. He had put an addition on his home and he needed the land in order to have his lot conform to the zoning. It was land that was to provide excess to Riverneck Road for expansion of the back part of the Pine Ridge Cemetery. A fee was negoitiated subject to Town Meeting approval and contingent upon the ability of the Cemetery Commissioners to purchase other land for excess onto Riverneck Road. A purchase and sell has been negotiated. The Finance Committee because it had already been negotiated was in favor of the article. The Board of Selectmen supported the article. The Modertor asked for a voice vote, motion carried, unanimously.

UNDER ARTICLE 8 Selectmen Bonita Towle moved that the Town vote to authorize the Board of Selectmen to acquire in fee simple by purchase, eminent domain, or otherwise, for cemetery purposes, a certain parcel of land situated on Lexington Street, off Riverneck Road in Chelmsford, described as lots 197 and 198 as shown on a plan entitled "Otis Adams Plan" recorded in the Middlesex North District Registry of Deeds, in Plan Book 7, Plan 27, containing 5,000 square feet of land more or less, being the same premises conveyed to Peter Saras by Helen Saras in a deed dated October 31, 1988, recorded in the Middlesex North District Registry of Deeds in Book 2671, Page 532 and vote to transfer and appropriate the sum of $3,750.00 from the Cemetery Improvement and Development Fund, to defray all necessary costs, fee and expenses in connection with the acquisition of said land.

Town Counsel James Harrington explained that the money from the previous article will be transferred to the Cemetery Trust fund and be used to purchase this land. The Finance Committee recommended the article, and noted that this is Cemetery Trust Funds monies being spent, not Town monies. The Board of Selectmen were in favor of the article. Motion carried, unanimously.

UNDER ARTICLE 9 Selectman Bonita Towle moved that the Town vote as required by Article 97 of Amendments to the Constitution of Massaschusetts, to approve the filing of a petition in the General Court, for an Act authorizing a sewer easement crossing on conservation land off Mill Road, Chelmsford, said easement shown as Easement 65 P1 on a plan entitled Plan of Sewer Easement in Chelmsford, Ma, Phase IIB Sewers, dated February 1990, prepared by Richard F. Kominski & Assoc., Inc. on file with the Town Clerk.

A question was asked if this would affect the soccer fields. Chairman of the Sewer Commission, Barry Balan explained it would not, the line would be 150 feet away from the fields. The Moderator asked for a voice vote, motion carried, unanimously.

There being no further business at hand, the Modertor declared the meeting adjourned at 10:25 PM.

Dennis E. McHugh, Moderator

Mary E.St.Hilaire, Town Clerk

Town Manager Bernard Lynch, gave a presentation explaining the budget that will be on the June 4th Annual Town Meeting. He also explained where the Town would be financially if the two override questions did not pass at the Special Town Election of May 1st. Many questions were asked and answered.

WARRANT FOR SPECIAL
TOWN ELECTION MAY 1, 1990

MIDDLESEX, SS

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the legal voters of said Chelmsford to meet in their several polling places, Viz:

Precinct 1. Town Office Building Gymnasium

Precinct 2. Harrington Elementary School Gymnasium

Precinct 3. Harrington Elementary School Gymnasium

Precinct 4. Westlands School Cafeteria

Precinct 5. Byam School Cafeteria

Precinct 6. Westlands School Cafeteria

Precinct 7. McCarthy Middle School, Small Gymnasium

Precinct 8. McCarthy Middle School, Small Gymnasium

Precinct 9. Town Office Building Gymnasium

On Tuesday, the 1st day of May 1990, being the first Tuesday in said month at 7:00 a.m. until 8:00 p.m. for the following purposes:

To bring in their vote on the following questions:

Question 1: Shall the Town of Chelmsford be allowed to assess an additional $1.4 million in real estate property taxes for the purposes of funding the Town's municipal and public schools operating budgets for the fiscal year beginning July 1, 1990?

YES

NO

Question 2: Shall the Town of Chelmsford be allowed to assess an additional $1.8 million in real estate and personal property taxes for the purpose of funding municipal/household solid waste collection for the fiscal year beginning July 1, 1990?

YES

NO

reof fail not and make return of this warrant with your doings thereon
the time and place of said election.

ven under our hands this 6th day of April , A.D. 1990.

BOARD OF SELECTMEN OF TOWN OF CHELMSFORD

Henrick R. Johnson, Jr Chairman

Bonita A. Towle, Vice Chairman

Dennis J. Ready, Clerk

Bradford O. Emerson

Roger A. Blomgren

COMMONWEALTH OF MASSACHUSETTS

)DLESEX, SS 4-9-90

:suant to the within warrant, I have notified and warned the
nabitants of the Town of Chelmsford by posting up attested
)ies of same at the following places, to wit:
vn Office Building Gym, Harrington School Gymnasium, Harrington
nool Gymnasium, Westland School Cafeteria, Byam School
Eetorium, Westland School Cafeteria, McCarthy Middle School
all Gymanisum, McCarthy Middle School Small Gymanisum, and Town
fice Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence,
Constable

:rue Copy Attest, William E. Spence
William E. Spence, Constable

WARRANT FOR SPECIAL
STATE ELECTION MAY 1, 1990

MIDDLESEX, SS

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the innabitants of said Chelmsford who are qualified to vote in the Special State Election, to vote at:

Precinct 1. Town Office Building Gymnasium

Precinct 2. Harrington Elementary School Gymnasium

Precinct 3. Harrington Elementary School Gymnasium

Precinct 4. Westlands School Cafeteria

Precinct 5. Byam School Cafeteria

Precinct 6. Westlands School Cafeteria

Precinct 7. McCarthy Middle School, Small Gymnasium

Precinct 8. McCarthy Middle School, Small Gymnasium

Precinct 9. Town Office Building Gymnasium

On Tuesday, the 1st day of May 1990, being the first Tuesday in said month, from 7:00 a.m. until 8:00 p.m., for the following purpose:

To bring in their vote in the Special State Election for the following vacancy:

For the candidate for Senate in the General Court, 5th Middlesex District

reof fail not and make return of this warrant with your doings thereon
the time and place of said election.

ven under our hands this 6th day of April , A.D. 1990.

BOARD OF SELECTMEN OF TOWN OF CHELMSFORD

Henrick R. Johnson, Jr Chairman

Bonita A. Towle, Vice Chairman

Dennis J. Ready, Clerk

Bradford O. Emerson

Roger A. Blomgren

COMMONWEALTH OF MASSACHUSETTS

DLESEX, SS 4-9-90

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etorium, Westland School Cafeteria, McCarthy Middle School
ll Gymanisum, McCarthy Middle School Small Gymanisum, and Town
ice Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence

William E. Spence,
Constable

ue Copy Attest, William E. Spence

William E. Spence, Constable

SPECIAL TOWN ELECTION
MAY 1, 1990

	Pct 1	Pct 2	Pct 3	Pct 4	Pct 5	Pct 6	Pct 7	Pct 8	Pct 9	TOTAL
QUESTION 1 (1.4 Million)										
Yes	482	444	664	487	630	575	708	503	592	5085
No	605	636	546	590	643	657	615	605	580	5477
Blanks	13	7	4	9	8	13	7	10	4	75
TOTAL	1100	1087	1214	1086	1281	1245	1330	1118	1176	10637
QUESTION 2 (1.8 Million)										
Yes	498	342	655	451	595	602	729	431	561	4864
No	590	739	556	625	673	628	586	676	610	5683
Blanks	12	6	3	10	13	15	15	11	5	90
TOTAL	1100	1087	1214	1086	1281	1245	1330	1118	1176	10637

SPECIAL STATE ELECTION
May 1, 1990

SENATOR IN GENERAL CT 5th Middlesex to fill vacancy	Pct 1	Pct 2	Pct 3	Pct 4	Pct 5	Pct 6	Pct 7	Pct 8	Pct 9	TOTAL
Lucile "Cile" P. Hicks	668	584	749	621	833	754	866	629	757	6461
Joseph W. Mullin	374	358	378	417	358	391	362	392	333	3363
All Others	0	0	0	1	2	0	0	0	0	3
Blanks	18	11	8	13	7	15	6	14	4	96
TOTAL	1060	953	1135	1052	1200	1160	1234	1035	1094	9923

On Friday May 11th an out of the Country Ballot was opened and added to Pct 3's total of Lucile Hicks and the final Total per MGL 54 sec 95/99

WARRANT FOR THE ANNUAL TOWN MEETING
JUNE 4, 1990

MIDDLESEX, SS.

To the constable, or any other suitable person of the Town of Chelmsford:

Greetings:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the town meeting representatives of said Chelmsford to meet in the McCarthy Middle School Auditorium on Monday, the fourth day of June, at 7:30 p.m. o'clock in the evening, then and there to act upon the following Articles, VIZ:

Article 1. To hear reports of the Town Officers and Committees; or act in relation thereto.

Board of Selectmen

Article 2. To see if the Town will vote to raise and appropriate from available funds a certain sum of money with which to meet bills of previous years; or act in relation thereto.

Board of Selectmen

Article 3. To see if the Town will vote to raise and appropriate, transfer and appropriate from available funds, transfer and appropriate from the stabilization fund and/or borrow a certain sum of money to engage a private accounting firm to prepare an audit of all accounts in all departments in the Town of Chelmsford; or act in relation thereto.

Board of Selectmen

Article 4. To see if the Town will vote to authorize the Town Treasurer to enter into compensatory balance agreements, during Fiscal Year 1991, as permitted by General Laws, Chapter 41, Section 53F; or act in relation thereto.

Town Treasurer

Article 5. To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the financial year beginning July 1, 1990, in accordance with the provisions of General Laws, Chapter 44, Section 4, and to issue a note or notes as may be given for a period of less than one year in accordance with General Laws, Chapter 44, Section 17 and 17(a); or act in relation thereto.

Town Treasurer

Article 6. To see if the Town will vote to raise and appropriate such sums of money as may be required to defray Town charges for the fiscal period from July 1, 1990 to June 30, 1991; or act in relation thereto.

Town Manager

Article 7. To see if the Town will vote to raise and appropriate or transfer from available funds a certain sum of money to be used as a Reserve Fund at the discretion of the Finance Committee, as provided in General Laws, Chapter 40, Section 6; or act in relation thereto.

Finance Committee

Article 8. To see if the Town will vote to appropriate a certain sum of money for the following capital projects:

School	Mandated Asbestos Removal McCarthy and So. Row	$ 100,000
	Mandated Oil Tank Testing and/or Replacement	$ 51,200
	Mandated Handicap Access	$ 1,099,345
	McCarthy Roof Re-coat	$ 57,200
Police Department	4 Cruisers	$ 60,000
Town Clerk	Optech Voting Machines	$ 34,600
DPW-Highway	Road Maintenance	$ 300,000
Sewer	Pick-up Truck	$ 11,000
	Total	$ 1,713,345

and to see if the Town will vote to raise and appropriate, transfer and appropriate from available funds, transfer and appropriate from the stabilization fund, transfer and appropriate $45,600, from unexpended proceeds of amounts authorized for capital planning project expenditures, under Article 10 of the Annual Town Meeting 1989, and/or borrow a certain sum of money to fund these obligations; or act in relation thereto.

Board of Selectmen
Town Manager
Capital Planning
Committee

Article 9. To see if the Town will vote to raise and appropriate or transfer from available funds a certain sum of money for the purpose of funding the sand lease approved by the Town under Article 12 of the 1989 Annual Town Meeting; or act in relation thereto.

Board of Selectmen

Article 10. To see if the Town will vote to accept the provisions of the General Laws of Massachusetts Chapter 44, Section 53E, an act authorizing cities and towns to appropriate certain anticipated receipts or act in relation thereto.

Board of Selectmen

Article 11. To see if the Town will vote to transfer a certain sum of money from the sale of graves and lots to the Improvement and Development Fund of the Cemetery Department; or act in relation thereto.

Cemetery Commission

Article 12. To see if the Town will vote to amend the General By-Laws, Article VII, Miscellaneous, Section 1, Regulation of Dogs, by deleting Paragraph 5, License Fees, and substituting in its place the following:

The fee for every dog licensed shall be a:

Ten Dollars ($10.00) for every neutered male dog.

Ten Dollars ($10.00) for every spayed female dog.

Ten Dollars ($10.00) for every male and female dog.

Determination of licensing eligibility, dogs not required to be licensed, or refunding license fees, shall be determined as set out in Section 139.

The fee for every kennel licence shall be as follows:

Twenty Dollars ($20.00) for every kennel license for 4 dogs or less.

Forty Dollars ($40.00) for every kennel license for over 4 but not over 10 dogs.

Seventy-five Dollars ($75.00) for every kennel license for over 10 dogs but not over 25 dogs.

All the fees shall be increased by Five Dollars ($5.00) on the first day of the second month following the required licensing period, as outlined in Section 3(a) of this By-Law, and by an additional Five Dollars ($5.00) on the first day of each succeeding month.

In addition to all other sums due and owing for any license fee hereunder, a person who applies for license hereunder shall be obligated to pay all prior amounts of license fees determined to be due and owing by the Town Clerk pursuant to this By-Law, for past periods in which said person was obligated to obtain license. It shall be a violation of this By-Law to fail to pay any said sum due hereunder this remedy shall be cumulative.

or act in relation thereto.

Board of Selectmen

Article 13. To see if the Town will vote to accept the provisions of Chapter 40, Section 58 of the Massachusetts General Laws authorizing the Town of Chelmsford to impose a municipal charges lien on real property for failure to pay solid waste fees by an established due date; or act in relation thereto.

Board of Selectmen

Article 14. To see if the Town will vote to amend the Article VIII, Waste Disposal of the General By-Laws be deleting Section 1, Dumping and substitute in its place the following:

Section 1. Municipal Waste Collection

(a.) All resident, excepting those in structures or complexes with five or more dwelling units, shall use the Town provided solid waste collection services unless the Town is provided with proper documentation that solid waste is being disposed of in accordance with all applicable municipal, state and federal laws. It shall be unlawful for any resident to use town provided solid waste collection services without paying the applicable fee for such services.

(b.) Violation of this By-Law shall be punishable by a fine or One Hundred Dollars ($100) for each offense. Each day that such violation continues shall constitute a separate offense.

or act in relation thereto.

Board of Selectmen

Article 15. To see if the Town will vote to accept the following mentioned streets, as laid out by the Board of Selectmen and shown by their reports duly filed in the office of the Town Clerk:

1. Shedd Lane (partial)
2. Moore Street (partial)
3. Sears Lane
4. Thomas William Way
5. Natalie Road
6. Braeburn Road

Providing all the construction of the same meets with the requirements of the Board of Selectmen, and subject to the withholding of any remaining bonds until such requirements have been met and to see if the Town will vote to authorize the Board of Selectmen to acquire any and all temporary and/or permanent easements, and any property in fee simple, with trees thereon, by purchase, eminent domain, or otherwise, for the purpose of securing traffic safety and road improvements, and to see if the Town will vote to raise and appropriate, transfer and appropriate from available funds, transfer and appropriate from the Stabilization Fund, and/or borrow a certain sum of money to defray all necessary costs, fees and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as a result of any such taking; and to see if the Town will vote to authorize the Board of Selectmen to negotiate and execute all necessary and proper contracts and agreements thereto; or act in relation thereto.

Board of Selectmen

Article 16. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or appropriate and transfer from the stabilization fund, a certain sum of money for the purpose of designing and constructing sewers, pump stations and force mains to serve Cathy Road, Jonathan Lane, McIntosh Road, Clover Hill Drive, Burning Tree Lane, Country Club Drive, DeWolf Drive, Green Valley Drive, Drew Circle and Parker Road from Hall Street to Green Valley Drive; to pay for related legal, administrative and other pertinent expenses; to authorize the Sewer Commission with the consent of the Board of Selectmen to acquire by purchase, eminent domain or otherwise all easements and rights concerning land necessary in conjunction with the project; to determine how such appropriation shall be raised, whether by transfer of available funds, by taxation, by borrowing or otherwise, and if by borrowing, the Town Treasurer with the approval of the Board of Selectmen be authorized to borrow under M.G.L. Chapter 44 as amended and supplemented, and to issue and sell general obligations bonds or notes of the Town therefore; that the Sewer Commission be authorized to apply for, accept and expend any state and federal grants and/or loans, and private monies that are made available for the project; that betterments shall be assessed based on the sewer construction in accordance with the applicable provisions of the General Laws of the Commonwealth and the Town of Chelmsford Betterment Assessment and Privilege Fees Rules and Regulations; or act in relation thereto.

Sewer Commission

Article 17. To see if the Town will vote to authorize the Board of Selectmen and/or the Sewer Commissioners to acquire any and all temporary and/or permanent easements, and any property in fee simple with the buildings and trees thereon by purchase, eminent domain, or otherwise, for the property located in the

Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled Plan of Sewer Easements in Chelmsford, Massachusetts, Phase IIB Sewers, prepared for the Chelmsford Sewer Commission February, 1990 by Richard F. Kaminski & Associates, Inc., a copy of which is on file in the office of the Town Engineer and are incorporated herewith; for the purpose of constructing and maintaining sewers, pumping stations, and all other appurtenances thereto and to see if the Town will vote to raise and appropriate, transfer and appropriate from available funds, transfer and appropriate from the stabilization fund, transfer and appropriate revenue sharing funds and/or borrow a certain sum of money to defray all necessary costs, fees and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as a result of any such taking; or act in relation thereto.

Sewer Commission

Article 18. To see if the Town will vote to delete Section 1424(g) of the Chelmsford Zoning By-Law and substitute in its place the following:

All site plans submitted to the Planning Board for review must be accompanied by a check for the fee to cover expenses incurred by the Town during the site plan review process. The fee shall be based on the size of the proposed building(s) and shall be $50.00 per 1000 square feet (or portion thereof) of gross floor area with a maximum fee not to exceed $1,000.00. The Planning Board may also retain the services of an independent consultant as it deems necessary for assistance in evaluating a specific problem or concern. In this case, the fee charged by the consultant shall be paid by the applicant through the Planning Board.

or act in relation thereto.

Planning Board

Article 19. To see if the Town will vote to amend the General By-Law Article VI, Police Regulations, Section 22, Prohibition of Trapping by Means of the Leghold and Conibear Trap, by deleting Paragraph 1, and substitute in its place the following:

It shall be prohibited and unlawful for any person to set, trigger, activate, or otherwise use or cause to be set, triggered, activated or used any type or modification of any steel jawed, leghold trap, including the soft catch trapping system, or any form of jaw trap or conibear trap for the capture of any animal.

or act in relation thereto.

Petition

Article 20. To see if the Town will vote to amend the General By-Law Article II, Town Meeting, by deleting Section 1, Time of Annual Town Meeting and substituting in its place the following:

The Annual Election shall be held on the First Tuesday of April and the Annual Town Meeting shall be held on the last Monday in April and the first Monday in October.

or act in relation thereto.

Board of Selectmen

Article 21. To see if the Town will vote to accept provisions of Section 12 of Chapter 188 of the Acts of 1985, the SCHOOL IMPROVEMENT ACT, in relation to the Equal Education Opportunity Grant in the amount of Seventeen Thousand Nine Hundred Twenty Dollars ($17,920.00), for the Nashoba Valley Technical High School, conditioned upon the funding of said programs by any source other than the Town of Chelmsford, and further conditioned upon, to the extent permitted by law, that said professional grant programs, and any monies paid to any employee of the Nashoba Valley Technical High School, shall not be used or considered a past practice for the purpose of collective bargaining and shall be nonrecurring lump sum payment not built into school employees salary schedules; or act in relation thereto.

Nashoba Valley
Technical High School
District Committee

Article 22. To see if the Town will vote to instruct the Board of Assessors to issue a certain sum of money from Free Cash in the Treasury for the reduction of the tax rate; or act in relation thereto.

Board of Selectmen

reof fail not and make return of this warrant with your doings thereon the time and place of said meeting.

ven under our hands this 23rd day of May , A.D. 1990.

BOARD OF SELECTMEN OF TOWN OF CHELMSFORD

Bonita A. Towle

Bonita A. Towle, Chairman

Dennis J. Ready

Dennis J. Ready, Vice Chairman

Henrick R. Johnson, Jr, Clerk

Bradford O. Emerson

Bradford O. Emerson

Roger A Blomgren

Roger A. Blomgren

COMMONWEALTH OF MASSACHUSETTS

DLESEX, SS MAY 25 1990

suant to the within warrant, I have notified and warned the
abitants of the Town of Chelmsford by posting up attested
ies of same at the following places, to wit:
n Office Building Gym, Harrington School Gymnasium, Harrington
ool Gymnasium, Westland School Cafeteria, Byam School
etorium, Westland School Cafeteria, McCarthy Middle School
ll Gymnasium, McCarthy Middle School Small Gymnasium, and Town
ice Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence,
Constable

rue Copy Attest, William E. Spence

William E. Spence, Constable

ANNUAL TOWN MEETING
JUNE 4, 1990

The Annual Town Meeting was called to order at 7:40 PM at the Carthy Middle School Auditorium, by the Moderator Dennis E. McHugh. ere were 155 Representative Town Meeting members present.

The Moderator pointed out the fire exits and explained that the rrant articles as posted is just the notice of action to take place. e motion is the actual wording of the article that will be presented d voted on during the meeting. He further explained the rules and ocedures of amending and voting on articles.

Selectman Bonita Towle moved that the reading of the Constable's turn of service and posting of the warrant be waived. It was so ted, unanimously. Selectman Towle moved that the reading of the tire warrant be waived. It was so voted, unanimously.

Chairman of the School Committee Wendy Marcks asked permission om the Moderator to allow Superintendent William Mullen and Thomas rroll to be able to address the body if need be from time to time ncerning any and all school issues. The Moderator asked for a voice te, motion carried, unanimously.

UNDER ARTICLE 1 Selectman Bonita Towle moved that the Town vote hear reports of the Town Officers and Committees.

Town Manager Bernard Lynch explained that the Fiscal Policy visory Committee was established per Special Town Meeting vote in tober of 1989. The Committee was to investigate the financial nditions of the Town and to make recommendations to the Board of lectmen/ Town Manager on the appropriate action needed to solve the scal crisis problem. He read an excerpt from the committee's final port:

e Fiscal Policy Advisory Committee recommends:

(a) that the town officials work, in cooperation with other nmunities, to force the Commonwealth of Massachusetts to provide edictable levels of funding, and to fully fund mandated programs.

(b) that the Board of Selectmen or the appropriate body actively nsider whether the Town should withdraw from participation in the shoba Valley Technical School and instead "tuition in" students and ver transportation costs as required by law.

(c) that the Board of Selectmen investigate Alternative Service livery Mechanisms: (for example, privatization, regionalization).

(d) that the Olde Town Hall be sold or leased to receive revenue approximately 1% per year of its assessed value.

(e) that the North Town Hall be sold or leased and that the venues received from said sale or lease be applied towards the nding of Town budget in FY 93.

(f) that the Center School be retained as Town property and ntinue to be leased.

(g) that the Town officials accurately determine the number of siness vehicles principally garaged in Chelmsford and take opropriate action to ensure maximum tax revenues.

(h) that the appropriate body increase various fees, permits and censes to the maximum allowed by law and, where no limit has been tablished, to a reasonable amount in order to attain full cost covery within every department.

(i) that trash collection be supervised by the appropriate sting department and become self-supporting.

(j) that Sewer Betterment Revenue be applied to the operating lget of town government.

(k) that the Town Officials initiate an outreach program to inesses which abut the Town sewer line, giving business owners the ion to tie into the line for the appropriate fee.

(l) that all Town boards work for legislation which will have a r and equitable classification structure for business and industry.

(m) that Town Meeting be delayed until June to allow sufficient e for accurate determination of state aid allocations and resulting rtfalls in order to support informed decisions with respect to the n budget.

(n) that there be an April ballot question for an override of position 2 1/2 for an amount equal to the remaining budgetary rtfall.

Samuel Poulten moved that the report be accepted as read. The erator asked for a voice vote, motion carried.

UNDER ARTICLE 2 Selectman Bonita Towle moved that the Town vote raise and appropriate the sum of $4,680.00 with which to meet bills previous years.

Town Manager Bernard Lynch, explained that this was a sekeeping article. This was a contractual obligation from 1986 ch had to be paid. The Finance Committee recommended the article. ion carried, unanimously.

UNDER ARTICLE 3 Selectman Bonita Towle moved that the Town vote raise and appropriate the sum of $22,500.00 to engage a private ounting firm to prepare an audit of all accounts in all departments the Town of Chelmsford.

Town Manager Bernard Lynch, explained that this was for the cal Year 1991 audit. It was required by law to be done. The ance Committee supported the motion. Roger Blomgren asked how this going to be funded? Town Manager Bernard Lynch explained that the ey would come from the general fund. Roger Blomgren asked the y to defeat the article and have the money appear in the budget icle. He feels that this is a standard operating expense and it uld be listed as such and not be a separate article. Bernard Lynch lained that it could appear in the budget or as a separate article. has been acted on as an article in previous years. The Moderator ed for a voice vote, which left the chair in doubt. He then asked a show of hands, motion carried.

UNDER ARTICLE 4 Town Treasurer James Doukszewicz moved that the n vote to authorize the Town Treasurer to enter into compensatory ance agreements, during Fiscal Year 1991, as permitted by General s, Chapter 41, Section 53F.

Town Treasurer James Doukszewicz explained the article. The ıance Committee and the Board of Selectmen supported the article. e Moderator asked for a voice vote, motion carried, unanimously.

UNDER ARTICLE 5 Town Treasurer James Doukszewicz moved that the vn vote to authorize the town Treasurer, with the approval of the ırd of Selectmen, to borrow money from time to time in anticipation the revenue of the financial year beginning July 1, 1990, in ordance with the provisions of General Laws, Chapter 44, Section 4, l to issue a note or notes as may be given for a period of less than e year in accordance with General Laws, Chapter 44 Section 17 and a).

Town Treasurer James Doukszewicz explained that come August and ɔruary of each year the Town must borrow against the monies icipated from the tax revenues. Now that the quarterly tax bills e going to go into effect beginning July 1st and depending on when e state aid money arrives, the Town may not have to borrow in the .l. The Finance Committee supported the article. The Board of .ectmen were in favor of the article. Motion carried, unanimously.

Selectman Bonita Towle moved to postpone action under articles ',& 8 until 7:30 PM on June 18, 1990. Robert Sexton questioned if .s motion could be debatable. The Moderator explained that if an icle is postponed to a certain time then it is debatable, however, an article is just tabled, then it can not be discussed and a vote st be taken immediately. Town Manager Bernard Lynch explained that ese articles are budget items that can and should be delayed until e result of the state aid monies from the court case can be tablished. He feels by June 18th the Town should know the status. .ght Hayward of the Finance Committee said that the Finance mittee is in favor of the motion because of the state aid question l the information will be right up to date on the local receipts ten in. Edward Cady moved to amend the motion to include in the stponement of articles 6,7, & 8, articles 13 and 14. The Finance mittee does not recommend adding articles 13 & 14 to the motion. ey feel that these two articles do not pertain to monies and can be lt with immediately. Articles 6, 7 & 8 could possibly take up the ire evening of June 18th. The body shouldn't put off acting on any icle unless it is necessary because of the time factor. The Town st have a balanced budget in place by July 1st in order to operate. e Moderator asked the Board of Selectmen for their opinion on the ion to delay. Selectman Towle asked to hear the proponent's soning. Edward Cady explained that these two articles pertain to e trash situation. He received a lot of calls, people are confused l concerned about the proposed tag and bag system, and the yearly e. If these articles are delayed perhaps a change may be stituted. The Board of Selectmen supported the motion to delay se two articles. Michael Anthony of the Solid Waste Advisory mittee explained that these two articles are about adopting hanisms to be used in order to handle the trash situation, not the posed tag and bag system. Robert Sexton spoke in favor of the ndment to postpone articles 13 & 14. He feels that they do deal h the budget, specifically the trash issue. Whatever happens in the get affects these two articles. He explained why he wanted this ion to be debatable and amendable. He hoped it would provided dback to the officials who now may want to reconsider some of their viously held positions. Samuel Brink asked the Town Manager to lain his recommendation of where the 1.1 million will be best nt, there are two or three areas that need more money, what would plan be. Bernard Lynch first explained that he didn't have a

nd either way on the postponing of articles 13 & 14. They are in t just implementation mechanisms for solid waste users fee. They not absolutely necessary and essential for a solid waste user's to be put in place. Solid waste user's fee can be put in place hout these article. These are some mechanisms for putting some th into the fee system. As for the 1.1 million dollars coming from Brookline decision, this money is what the Department of Revenue ms as a one time windfall to the town. The Town's share of local will not increase by 1.1 million dollars for fiscal year 1991 or ry year thereafter. The 1.1 million dollars if it does come about, l constitute certifying the free cash for the Town at the close of year 1990. By spending that money on operating budgets we are entially teetering along the pattern that may have been faulted in past of spending every dime we have. It has been his position licly that the money be spent in a way that will reduce our costs the future. That can be done in one or two ways. One, put the ire amount towards the capital budget therefore borrowing less, ch would have an effect on our debt service for the next four rs. Two, the other possibility would be not utilizing the the sewer terment fees, which he had proposed in the budget and keeping those s in a separate account to be used towards paying sewer struction costs in the future, thereby decreasing the debt service that area. The remaining monies will fund the capital improvement get that is proposed in article 8, thereby decreasing the debt vice costs in the future. He feels that it is important that the n get its fiscal house in order. We just don't have the money at current time to keep funding all the programs and services we have the past. There has to be another way around that and if we could feels that the money should be used from this windfall to set selves on the right road to the future. Selectman Emerson supported Town Manager, but he feels that the choice is up to the town ting representatives. If the money does arrive, then the town ting body may decide to spend it in some other way, it is their vilege. If they want to spend it on the trash, they have that ice and that's why he supported the motion to delay articles 13 & Selectman Ready felt that this issue was going to be an involved gthy debate and discussion. It may change the current plans or it not. By discussing the articles tonight then they will get the ortunity to discuss the trash issue, and to get a sense on where Town Meeting Body wants to go. It is the Town Meeting's decision if it is going to be a lengthy debate, we might as well start it . John Emerson, of the Board of Health, spoke in favor of delaying icles 13 & 14. Currently the Board is creating rules and ulations concerning the trash issue. It would enable them the ortunity to be better prepared to answer any questions on the orcement issue. Thomas Moran spoke in favor of delaying the two icles. A discussion took place. The question was raised whether we ld be able to complete all the articles on June 18th. The Town ager explained that if need be the town meeting body will meet as h as necessary to complete all the articles so that a budget is dy for July 1st. The town meeting body does have the final say. explained that the Town Meeting body could eliminate the 1.8 lion dollars in the budget and put it back to 0, which would take Town out of the trash business entirely. Or by not accepting the set Receipts of 1,542,600. that would eliminate the receipt coming with the fee collection and would throw the budget out of balance 1.5 million dollars. That is the power that town meeting has, the ortunity to make the decision as to how trash is going to be paid . More discussion took place. Mark Gauthier spoke against tponing article 13 & 14. Scott McCaig moved the question to stop ate. The Moderator asked for a voice vote on stopping debate, ion carried, unanimously. He then asked for a voice vote on the

tion of including articles 13 & 14 to the motion of postponed icles 6, 7 & 8. This voice vote left the Chair in doubt, he then ed for a show of hands, motion carried. Robert Joyce questioned vote. The Moderator asked for the following tellers to come ward and conducted a hand count:

en Manahan, Marc Vandenbulcke, Robert Scharn, and Michael McCall. result was Yes 46 No 101, motion defeated.

He then went on and asked for a voice vote on the motion to tpone action under articles 6,7 & 8 until Monday June 18th. Motion ried.

UNDER ARTICLE 9 Selectman Bonita Towle moved that the Town vote raise and appropriate the sum of $20,000.00 for the purpose of ding the sand lease approved by the Town under Article 12 of the 9 Annual Town Meeting.

Town Manager Bernard Lynch explained that this is the second year a ten year contract. The Finance Committee supported the article. Moderator asked for a voice vote, motion carried, unanimously.

UNDER ARTICLE 10 Selectman Bonita Towle moved that the Town vote accept the provisions of the General Laws of Massachusetts Chapter Section 53E, an act authorizing cities and towns to appropriate tain anticipated receipts.

Town Manager Bernard Lynch explained that this allows the use of ious receipts from certain budgets. The three budgets involved are Trash, Recreation and Sewer. The Finance Committee recommended article. The Moderator asked for a voice vote, motion carried, nimously.

UNDER ARTICLE 11 Frank Peterson moved that the town vote to nsfer the sum of $18,000.00 from the sale of graves and lots to the rovement and Development Fund of the Cemetery Department.

Frank Peterson, Superintendent of the Cemetery Department lained that this is a housekeeping article. It is done annually, ey is taken from the sale of the lots and graves and used to rove the cemeteries. The Finance Committee was in favor of the icle. The Board of Selectmen supported the article. The Moderator ed for a voice vote, motion carried, unanimously.

UNDER ARTICLE 12 Selectman Bonita Towle moved that the Town vote amend the General By-laws, Article VII, Miscellaneous, Section 1, ulation of Dogs, by deleting Paragraph 5, License Fees, and stituting in its place the following:

The fee for every dog licensed shall be a:

Ten Dollars ($10.00) for every neutered male dog.
Ten Dollars ($10.00) for every spayed female dog.
Ten Dollars ($10.00) for every male and female dog.

Determination of licensing eligibility, dogs not required to be ensed, or refunding license fees shall be determined as set out in tion 139.

The fee for every kennel license shall be as follows:

Twenty Dollars ($20.00) for every kennel license for 4 dogs or less.

Forty Dollars ($40.00) for every kennel license for over 4 but not over 10 dogs.

Seventy-five dollars ($75.00) for every kennel license for over 10 dogs but not over 25 dogs.

All fees shall be increase by Five Dollars ($5.00) on the first of the second month following the required licensing period, as lined in Section 3 (a) of this By-Law, and by an additional Five lars ($5.00) on the first day of each succeeding month.

In addition to all other sums due and owing for any license fee eunder, a person who applies for license hereunder shall be igated to pay all prior amounts of license fees determined to be and owing by the Town Clerk pursuant to this By-law, for past iods in which said person was obligated to obtain license. It ll be a violation of this By-Law to fail to pay any said sum due eunder this remedy shall be cumulative.

Town Manager Bernard Lynch explained that the present fee is 00 per year for a dog license. This would increase the fee to .00 per year for a dog license. The increase would pay the salary the full time Dog Officer. The Finance Committee recommended the icle. This was part of the Fiscal Policy Advisory Committee ommendation to increase fees. John Conrad expressed concerns about amount of dogs roaming his neighborhood. Robert Joyce questioned fee amounts. Why were the spayed and neutered fee's the same as unspayed and unneutered. Bernard Lynch explained that this is how by-law was established and amended in 1987. Sandra Kilburn stioned why the homeowners fee was being increased and not the nel licenses. Bernard Lynch said that most of the dogs are owned private homeowners, however if the Town Meeting Body wanted to rease the kennel fees he would be in favor of this. The Moderator ed if there was any further discussion, hearing none he asked for a ce vote, motion carried, unanimously.

UNDER ARTICLE 13 Selectman Bonita Towle moved that the Town vote accept the provisions of Chapter 40, Section 58 of the sachusetts General Laws authorizing the Town of Chelmsford to ose a municipal charges lien on real property for failure to pay id waste fees by an established due date.

Town Manager Bernard Lynch, explained that in 1987 the General rt passed an act which would allow the cities and town to be able impose a municipal charge lien for any unpaid fees. A lien would placed on the property to insure payment of various fees. This ld be used as a mechanism to enable the town to put strength into collection process. The town would have to specify and vote which this would be used for, that is why this article says the solid te fee. The Finance Committee recommended the article. The mittee is not taking a position one way or the other on how the sh issue should be collected. Robert Joyce moved to indefinitely tpone consideration of the article. The Moderator questioned the ding of the motion. Due to the fact that the word indefinite is ng used, he felt that maybe instead of postponing the article he ld want to table it. If it is tabled without a specific time, it ld be indefinite. If the word postpone is used then he must specify ther time when it is to be brought back up for discussion. Robert ce agreed to table the article, he wanted to discuss the motion,

Moderator then explained that tabling an article can not be cussed, no debate can take place. Town Counsel's opinion was ed, James Harrington concurred with what the Moderator said. ert Joyce withdrew his motion. Discussion took place concerning method of attaching the lien. A number of representatives spoke inst the article because it specified a fee to be charged for lecting the solid waste. Richard DeFreitas said that a fee is ferent from a tax. A fee is a charge for services rendered, there a choice. If not paid, service will not take place. With a tax re is no choice, it must be paid. It is a payment for services ch are expected to take place. Therefore liens should only be ced against property for non payment of taxes, not for non payment fees. Michael Anthony of the Solid Waste Advisory Committee spoke ut the article and the proposed tag and bag system. This article not necessary in order to implement the new system. It will only ow the Town to attach those households who use the proposed system do not pay the users fee. Richard Codling spoke against the icle. He said mistakes do happen. Unknown to him a sewer lien was ached to his property, even though he paid everything up front, it his responsibility to go to the Registry of Deeds and pay for the n to be removed from his title. James Doukszewicz, Town Treasurer lained that this will not be filed at the Registry of Deeds against omeowner's property. It will be filed in his office like non ment of water bills are. When property is sold, a request must be e to his office for a municipal tax lien. That is when the lien l show up, not at the Registry of Deeds. Robert Sexton moved to nd the article by deleting the s in charges and deleting the words n on real property. The Moderator asked for the Town Counsel's nion on the motion to amend. Town Counsel ruled the motion egal. Robert Sexton explained that he was advised to bring forth t particular wording in the next article, he urged the body to vote s article down. Richard DeFreitas moved the question to stop ate. The Moderator asked for a voice vote which left the Chair in bt. The tellers came forward and conducted a hand count. Yes 110 30, 2/3's was 94, motion carried. The Moderator asked for a voice e on the article, which left the Chair in doubt, he asked for a w of hands, motion defeated.

UNDER ARTICLE 14 Town Manager Bernard Lynch explained that this law will be the mechanism used to assure that those households ng the Town's solid waste contract and system will pay the annual r's fee. If an individual homeowner has proof of using another pany, then a fee will not be assessed. The Finance Committee ported the article. Michael Anthony of the Solid Waste Advisory mittee spoke about the article. A discussion took place. Mark thier who is also a member of the Board of Health expressed his cerns with the article. He also said that because article 13 has n defeated, the Town has no way to charge people who use the system egally. If bags of trash are left around the Town, then it will be Town's responsibility to pay the cost of picking them up and posing of them. The only way the fine could be enforced that is tioned in this article is to have a employee of the Board of lth, or the DPW, open the bag and search through it looking for ormation on where the trash came from. He felt that article 13 uld be brought back for reconsideration, then the Town would have e control over any and all abuse of the system. He questioned if could have the article reconsidered at this time, he didn't want to p any debate on the present article. The Moderator assured him that debate would be temporarly suspended until a vote is taken. Mark thier moved to reconsider article 13. The Finance Committee

ported the motion. The Board of Selectmen did not want the article onsidered. The Moderator asked for a voice vote on the motion to onsider article 13, motion defeated. A lengthy discussion took ce. Robert Joyce questioned what type of proper documentation ld be acceptable? Bernard Lynch explained that a paid receipt or a tract showing that the trash is being properly cared for. Robert ce asked if a resident like himself who was already paying for a pster at a location in town would that contract qualify as proof? could be allowable in his case, Bernard Lynch said. Robert Joyce n questioned people leaving trash bags around his dumpster, why uld he pay for the removing of these bags. John Emerson from the rd of Health explained that presently there are laws on the books t are enforcable provided that the person can be caught. However se laws must be tightened up. William Spence spoke against the posed tag bag system. Scott McCaig questioned the Town Manager if tag bag system could really work, then what is the need for this law, why not wait and see if it is needed. Bernard Lynch said he t that this system could work, but a back up provision is needed to ure the enforcement, he felt that it would avoid any problems in future by having this by-law already in place. Selectman Ready ke about the trash issue. He felt that because the override stion failed people wanted to encourage recycling and pay for what y use and that the Town should try this system. More discussion k place. Richard DeFreitas moved to amend the article. He felt t people were against the wording: "$100.00 for each offense. Each thereafter". He moved to amend it to say, Violation of this by-law it pertains to illegal use of the Town provided trash collection vices shall be $100.00 for each offense and each subsequent ense. He then explained the motion. The Moderator questioned why last sentence wasn't just dropped, it would accomplish the same as motion. Town Counsel James Harrington said that the wording of the ndment is questionable. Bernard Lynch explained that its not a dred dollar fine for every day that a person does not come down and w proper documentation. It's a fine for each offense of using the n's service but not paying the fee. If someone doesn't register and sn't put a bag out there is no fine. Town Counsel stated that from tening to the discussion if the last sentence is dropped from the inal motion it would accomplish the purpose of the amendment. nard DeFreitas then moved to withdraw his original motion and nitted a new motion to remove the last sentence in paragraph b. Finance Committee and the Board of Selectmen supported the new ion. The Moderator read the article in it's entirety and left off last sentence. He then asked for a voice vote on the motion to nd, motion carried. Thomas Mills of the Solid Waste Advisory mittee spoke and clarified some information about the solid waste ract. More discussion took place concerning the user's fee and proposed bag and tag system. The Town Manager explained that when budget article comes up for discussion, the Town Meeting members l be making the final decision on whether to accept the budget as sented or decide what services will be cut to fund the trash get. Richard DeFreitas moved to table this article. Barbara Ward ed to adjourn the meeting until Monday June 11, 1990. The erator asked Town Counsel which motion took preference first for ng purposes. The Moderator was told to act on the motion to table article first, then take a vote on the motion to adjourn. The erator explained that if the motion to table article 14 is defeated n that will be the first article to be acted on when the meeting onvenes. He asked for a voice vote on the motion to table article which left the chair in doubt, he asked for a show of hands, on defeated. The Moderator then asked for a voice vote on the on to adjourn to Monday June 11th to the McCarthy Middle School

itorium. William Dalton wanted to make an statement. The erator told him that he would have to wait until after the vote on motion to adjourn. The Moderator asked for a voice vote on the ion to adjourn, motion carried, unanimously. William Dalton then ounced that the Governor had signed the bill concerning Captain es Boermeester's homerule petition relative to the reduction in k, which was voted at the April 23rd Special Town Meeting. He nked the Town Meeting body for their support. The meeting ourned at 11:20 PM.

nis E. McHugh,
erator

Mary E. St.Hilaire,
Town Clerk

ADJOURNED ANNUAL TOWN MEETING
JUNE 11, 1990

The Annual Town Meeting was called to order at 7:40 PM at the arthy Middle School Auditorium, by the Moderator Dennis E. McHugh. re were 141 Representative Town Meeting Members present.

The Moderator went over the rules and regulations of the Town ting procedure.

The Moderator then announced to the town meeting body that Anna ander, who was a member of this year's Chelmsford High School duating class of 1990, as a AFS Student from Finland, perished ay in an automobile accident. She was an outstanding woman of whom Finish country could be proud of. He asked for a moment of ence pray on behalf of Anna Meiander.

UNDER ARTICLE 14 Con't from ATM 6-4-90 Selectman Dennis Ready lained the different circumstances if this article does or doesn't s. The Moderator then read the entire article as it was amended, ch was the deletion of the last sentence "Each day that such lation continues shall constitute a separate offense". Kathleen lman then moved to amend the article to read:

Section 5. Municipal Waste Collection

All residents, with the exception of those having private lection such as the condominiums, trailer parks structure or plexes with five or more dwelling units shall use the Town provided id waste collection services which shall be the system we presently e for a total sum of $188.00 per year - payable quarterly $47.00. s set fee will remain the same until the present contract with BFI is out at the end of FY1992. At that time the trash services may be iewed and renegotiated, so as to receive the best service and cost the residents of Chelmsford. Residents have the option of private lection, providing the town is provided with proper documentation. Violation of this by-law shall be punishable by a fine of $10.00 month for each month that the fee is not paid.

Moderator asked for Town Counsel's opinion. Town Counsel, James ington, recommended that this by-law not be voted tonight. He tion that the wording didn't seem correct and that not enough per time went into it in order to make it enforceable. The Finance mittee does not support the motion based on Town Counsel's ommendation and the fact that they didn't want to be locked into a cific amount. William Goodhue spoke against the amendment and the cle. He wanted to allow the private haulers into town and then charge them a tonage fee, regardless if it's commercial or dential. That fee could be used to pay for the municipal and ol trash and the recycling program. It would be easier to keep k of five or six hauler's rather than a thousand households. Then eryone would be paying for the trash problem. He felt that a more onable method should be adopted. William Logan asked Kathleen lman where did she get the dollar amount from. She said it was the prior week's discussion and the information put out on the ride. Joel Karp who became involved with the bag and tag trash e, spoke about the article. He said that he wanted to see his h picked up. He wants it disposed of in the most proper and omical way. A system has been devised that will do this. The lem with this proposed amendment is that you can't specify what cost is going to be because its not mandatory participation, it's l a user's fee with options. It doesn't cover the cost. With the

and bag system the cost for having BFI stop at each household is datory, after that each household will pay only for the amount of sh they put out. Michael Anthony spoke against the motion to amend. hard DeFreitas expressed a need for a simpler system. Thomas Mills is on the Solid Waste Advisory Committee, wanted to discuss the fee issue mention in the amendment. He went over information he prepared. He felt that there is more bureaucracy involved in the and tag system than the quarterly billing system. There are four or costs which make up the bag and tag trash issue. Trash lection, bulk collection and administration. He listed the imated cost for each with comparision figures. Jeffrey Stallard ed the question. Motion carried unanimously. The Moderator asked a voice vote on the motion to amend. Motion defeated. Scott raig moved to postpone this article until the completion of article . The Finance Committee and the Board of Selectmen were not in favor the motion to postpone. The Moderator asked for a voice vote on the ion to postpone. This left the Chair in doubt, he asked for a show hands, which still left the Chair in doubt, the following tellers e forward and a hand count was taken:

en Manahan, Marc Vandenbulcke, Robert Scharn, and Michael McCall. result was Yes 45 No 88, motion defeated to postpone the article. frey Stallard moved the question. Motion carried, unanimously. Moderator asked for a voice vote on the article, which left the ir in doubt. He asked for a show of hands, still in doubt the lers came forward and conducted a hand count. The result was 81 No 50, motion carried. The article reads as follows:

Selectman Bonita Towle moved that the Town vote to amend the icle VIII, Waste Disposal of the General By-Laws by adding Section s follows:

tion 5. Municipal Waste Collection

) All residents, excepting those in structures or complexes with e or more dwelling units, shall use the Town provided solid waste lection services unless the Town is provided with proper umentation that solid waste is being disposed of in accordance with applicable municipal, state and federal laws. It shall be awful for any resident to use town provided solid waste collection vices without paying the applicable fee for such services.

) Violation of this By-law shall be punishable by a fine of One dred Dollars ($100.00) for each offense.

UNDER ARTICLE 15 Selectman Bonita Towle moved that the Town vote accept the following mentioned street, as laid out by the Board of ectman and shown by their reports duly filed in the office of the n Clerk.

1. Shedd Lane (partial)
2. Moore Street (partial)
3. Sears Lane
4. Thomas William Way

Providing all the construction of the same meets with the uirements of the Board of Selectmen, and subject to the withholding any remaining bonds until such requirements have been met and to if the Town will vote to authorize the Board of Selectmen to uire any and all temporary and/or permanent easements, and any

perty in fee simple, with trees thereon, by purchase, eminent
ain, or otherwise, for the purpose of securing traffic safety and
d improvements, and move that the Town vote to raise and
ropriate the sum of $4.00 to defray all necessary costs, fees and
enses in connection with the acquisition of said land and for
ing any damages which may be awarded as a result of any such
ing; and authorize the Board of Selectmen to negotiate and execute
necessary and proper contracts and agreements thereto.

Town Manager Bernard Lynch, explained that these streets had meet
layout requirements of the Planning Board and Town Engineer and
e released the residents on the streets mentioned would be eligible
town services. The Finance Committee supported the article. James
sa asked what did the word partial indicate after two of the
eets. The Town Manager explained that the contractor is required
file a bond and must show the Planning Board "as built plans" when
se developments are brought before them. The streets with the word
tial after them, have been developed as shown on the plans where
the homes have been built. The Town is only releasing part of the
ds for each street. The rest will be released upon the completion
the streets. Kay Roberts spoke in favor of the article and asked
the town meeting support. The Moderator asked for a voice vote,
ion carried, unanimously.

UNDER ARTICLE 16 Chairman of the Sewer Commission, Barry Balan
lained the article. The residents in the area asked for an
luation to be done in order to see if the Sewer Commission will
end the service. In order for this to be done certain criterias
established and must be met. Such as, area support for a
ition, intensity of existing septic system problems, ability to
air or reconstruct septic systems, likelihood of grant funding,
ts, and also the possibility of constituting a health problem. The
ber of homes represented in each area were counted as were the
ber of homeowners signing the petition. Areas where greater than
of the homes were represented on the petition received further
sideration. Those petitions with greater that 80% support were
acknowledged. The Board of Health records were used to determine
intensity of actual septic system failure and repairs in the
itioned areas. Inability to rebuild or repair is a major criteria
d by the funding agencies to determine eligibility for grant
ding. The ability to repair or reconstruct is based upon lot size,
ls, slope and groundwater conditions. All petitions to date were
iewed based upon the assumption that lateral sewer (50%) funding
ld be available. Presently, the state intends to replace 50%
nts with low interest loans. The construction costs are included
the overall billing program. Twelve petition areas were received
1989, only four have meet the established criterias and are being
ommended. This is the first time that appropriation for an area is
ng asked outside of the twenty year plan which had been outlined in
l. As with previous appropriations a ballot question is required
exempt this appropriation from the limitations of proposition 2
2. The Finance Committee recommended the article. This is an
oing two part program. The Board of Selectmen supported the
cle. Jeffrey Stallard questioned the financial status of the
rtment. What has been appropriated and spent? Approximate to
sewer construction overall costs is about 24 million dollars of
h a little over 13 million has been grant funded. A discussion
place. Ann Graham questioned the wording of the article. She
it should include contingent upon the Town voting to certify from
limits of propostion 2 1/2. Town Counsel James Harrington
ained that the motion does not require this additional wording,
according to state statue, this wording must be on the ballot

stion. Ann Graham questioned the management of the funds and the
terments fees. The betterment fees shouldn't be applied to the
eral fund, according to the the Weston and Sampson report. The
er funding was to be 80% from taxes and 20% from the betterment
s. When she was researching her information on the sewer projects
order to get answers, she was told by the Sewer Commission to
mit her questions in writing. John Emerson of the Sewer Commission
lained that the Sewer Commissioners and personnel have extended
ry courtesy for the requested information. He listed the areas and
cost's involved. Barry Balan also explained that all the Sewer Commiss
records are open to the public. Any citizen is more than
come to view them in the office, if questions or assistance is
ded the office personnel handles it. This policy has been extended
hin reason, to everyone and numerous times to Mrs Graham. Weston
Sampson Engineering, the consulting firm handling the sewer
ject has also answered Mrs Graham's inquires. However today upon
urning Mrs Graham's phone call this afternoon, she wanted to come
ht down to the office and have some questions answered. At that
nt, she was told to submit any and all questions in writing to the
er Commissioners. Mr Balan explained that he is not a Sewer
missioner by profession, he does have another job which enables him
need be to drop by the sewer office. In the past, arrangements had
n made when all parties were able to meet and go over certain
ngs. Mrs Graham said she would be glad to go over the records
self. When she went to a meeting all she wanted to know was what
been spent to date, she felt she should have been told a dollar
unt, she was told nothing. Kathy Rigsby is one of the residents on
petition, she has put in two septic sytems in the last five years.
lot will not hold any more systems. She is surrounded by wetlands.
ith Hass asked for support because of the environmental factor, she
has had problems in the past with her leaching field. Bernard
dy one of the petitioner's also asked for support. His
ghborhood was in desperate need. Dennis Ready stated that there is
efinite need in these petitioned areas. The criteria was there
n he was on the commission. Roger Blomgren moved to amend the
icle by adding to the end the wording "any appropriation under this
icle shall be allowed only upon a specific exemption under prop 2
." Roger Blomgren explained this would avoid any confusion on how
article would be funded, the particular wording clarifies that
stion. The Finance Committee supported the article. The Board of
ectmen supported the motion to amend. The Moderator asked for a
ce vote, motion carried. Discussion took place. Questions were
ed on why these areas weren't included in the original plan. It
explained that when the original surveys were sent out people
n't respond. Selectmen Emerson moved the question, motion carried,
nimously. The Moderator asked for a voice vote on the article as
nded, motion carried unanimously. The article reads as follows:

Chairman of the Sewer Commission, Barry Balan, moved that the
n vote to appropriate the sum of $3,100,000.00 for the purpose of
igning and constructing sewers, pump stations and force mains to
ve Cathy Road, Jonathan Lane, McIntosh Road, Clover Hill Drive,
ning Tree Lane, Country Club Drive, DeWolf Drive, Green Valley
ve, Drew Circle and Parker Road from Hall Street to Green Valley
ve; to pay for related legal, administrative and other pertinent
enses; to authorize the Sewer Commission with the consent of the
d of Selectmen to acquire by purchase, eminent domain or otherwise
easements and rights concerning land necessary in conjunction with
project; that to meet this appropriation the Town Treasurer with
approval of the Board of Selectmen be authorized to borrow
00,000.00 under M.G.L. Chapter 44 as amended and supplemented, and
ssue and sell general obligations bonds or notes of the Town

herefore; that the Sewer Commission be authorized to apply for, cept and expend any state and federal grants and/or loans, and vate monies that are made available for the project; that eterments shall be assessed based on the sewer construction in cordance with the applicable provisions of the General Laws of the monwealth and the Town of Chelmsford Betterment Assessment and viledge Fees Rules and Regulations. Any appropriation under this icle shall be allowed only upon a specific exemption under position 2 1/2.

UNDER ARTICLE 17 Chairman of the Sewer Commission, Barry Balan ed that the Town vote to authorize the Board of Selectmen and\or h Sewer Commissioners to acquire any and all temporary and/or emanent easements, and any property in fee simple with the buildings n trees thereon by purchase, eminent domain, or otherwise, for the perty located in the Town of Chelmsford, Massachusetts, and further ecribed and shown on a set of plans entitled plan of Sewer Easements n Chelmsford, Massachusetts, Phase IIB Sewers, prepared for the hlmsford Sewer Commission February, 1990 by Richard F. Kaminski and sociates, Inc., a copy of which is on file in the office of the Town nineer and are incorporated herewith; for the purpose of onstructing and maintaining sewers, pumping stations, and all other purtenances thereto.

Sewer Commissioner Barry Balan, explained that approval of this icle is needed in order to assure that the Town receives nearly 4000,000 in grant funding during June of 1990. With the funding grams shifting from grants to loans after July 1, 1990, it would be ndvisable to delay approval of this article and thus lose $4,000,000 f state funding. The Finance Committee supported the article. The ard of Selectmen supported the article. The Moderator asked for a oice vote, motion carried, unanimously.

UNDER ARTICLE 18 Chairman of the Planning Board, Thomas E. ith, Jr. moved that the Town vote to delete Section 1424 (g) of the hlmsford Zoning By-law and substitute in its place the following: l site plans submitted to the Planning Board for review must be companied by a check for the fee to cover expenses incurred by the on during the site plan review process. The fee shall be based on h size of the proposed building (s) and shall be $50.00 per 1000 quare feet (or portion thereof) of gross floor area with a maximum e not to exceed $1,000.00. The Planning Board may also retain the evices of an independent consultant as it deems necessary for sistance in evaluating a specific problem or concern. In this case, h fee charged by the consultant shall be paid by the applicant hough the Planning Board.

Chairman of the Planning Board, Thomas E. Firth Jr. explained the pose of the article. The present fee schedule is $200.00 per pecial permit. Site plan for a major business complex is $400.00 for 0,000 square foot building. This changes it to be $50.00 per 1000 quare feet (or portion thereof) of gross floor with a maximum fee not o exceed $1,000.00. The Planning Board may also retain the services f an independent consultant as it deems necessary for assistance in valuating a specific problem or concern, In this case the fee harged by the consultant shall be paid by the applicant through the lanning Board. He then read the Board's recommendation: The Planning oard, held a public hearing on April 11, 1990 and voted in favor 7-0) of the proposal to change the zoning by deleting in its entirety ection 1424 (g) and replace it with the new section 1424 (g). n Finance Committee and the Board of Selectmen were in favor of the rticle. The Moderator asked for a voice vote on the article. Motion assied, unanimously.

UNDER ARTICLE 19 The Moderator read the article. Kathleen lman, the petitioner explained the purpose of the article. In 1988 n the original by-law was passed at the Special Town Meeting in tember, the wording of "including the soft catch trapping system" inadvertently left out. Chelmsford was the first town to pass n a by-law, since then fourteen to sixteen other towns have passed by-law with the complete wording. The Moderator asked for the ious recommendation. Dwight Hayward Chairman of the Finance mittee, stated that because there was no financial impact involved y were not going to comment one way or the other. The Board of ectmen were split, two were for the article and two were against, was absent when the vote was taken. A discussion took place. frey Stallard moved to amend the article by deleting the wording cluding the soft catch trapping system" and insert the word licensed" before the word "person" in section 1 of the article. e discussion took place. The Finance Committee would not recommend way or the other. The Board of Selectmen wanted to hear further cussion. George Abley wanted to amend the amendment by adding ovided said person has written permission of the selectmen or downer". A lengthy discussion took place. Renee LaRouche spoke inst the article and in favor of the the amendments. Dennis Ready ed the question. Motion carried, by voice vote. The Moderator led for a voice vote on George Abley's motion, which left the chair doubt. The tellers came forward and conducted a hand count, Yes No 53, motion carried. The Moderator started to take a voice vote Jeffrey Stallard's motion, when Norman LeBrecque asked a point of er. He was concerned that the wording possibly contradicted itself asked for clarification. The wording of "it should be prohibited unlawful, provided that they get permission" he felt that the word less" should be included. George Abley was called forward and a cussion took place between himself, Jeffrey Stallard and Town nsel. Which resulted in a new motion to amend the amendment: ete George Abley's wording that was just passed and add a sentence read: "Any person wishing to trap shall have the written permission either the land owner or selectman". More discussion took place. y Frantz asked if this meant that the Selectmen could give mission for someone to trap on the homeowner's land. George Abley plained that all he wanted was for the Selectmen to be able to take e of the public land and the homeowner to take care of their land. Moderator questioned the wording and asked for Town Counsel to in clarify it. The new wording of the motion is: "Without the mission of the landowner, or of the Selectmen in the case of public d". This would be the last sentence on the motion. Dennis Ready ed the question. Motion carried, unanimously. The Moderator then led for a voice vote on the Abley's motion. Motion carried. He n asked if there was any discussion on the Stallard motion. David chlan, member of the Conservation Committee urged for the defeat this motion to amend. Harry Foster spoke in favor of the motion to nd. Jeffrey Stallard moved the question. Motion carried, animously. The Moderator asked for a voice vote which left the r in doubt, he then asked for a show of hands, motion defeated. decision was questioned, the tellers where asked to come forward conduct a hand count. Result of the hand count: Yes 32 No 82, on defeated. Richard DeFreitas moved to amend the article by ting the wording "including the soft catch trapping system", and ng the wording "without the permission of the landowner or the ectmen in the case of public land". He explained that it was ferent from the Stallard's motion because the word "unlicensed" ore the word person is not included in this amendment. A ussion took place. Dennis Ready moved the question. Motion ried, unanimously. The Moderator asked for a voice vote on the on, which left the chair in doubt, he asked for a show of hands

cion defeated. Dennis Ready moved the question which would stop any uther debate on this article. Motion carried. The Moderator asked c a voice vote, which left the chair in doubt. He asked for a show fhands, motion carried. The article reads as follows:

Kathleen Hillman moved that the Town vote to amend the General ylaw Article VI, Police Regulations, Section 22, Prohibition of rpping by Means of the Leghold and Conibear Trap, by deleting aagraph 1, and substitute in its place the following:

It shall be prohibited and unlawful for any person to set, rgger, activate, or otherwise use or cause to be set, triggered, civated or use any type or modification of any steel jawed, leghold rp, including the soft catch trapping system, or any form of jaw rp or conibear trap for the capture of any animal.

UNDER ARTICLE 20 Selectmen Bonita Towle moved that the Town vote oamend the General By-law Article II, Town Meeting, by deleting etion 1, Time of Annual Town Meeting and substituting in its place h following:

h Annual Election shall be held on the First Tuesday of April and h Annual Town Meeting shall be held on the last Monday in April and h first Monday in October.

Town Manager Bernard Lynch explained that this change is taking lce in order to meet the requirements according to the charter. The iance Committee supported the article. The Moderator asked for a oce vote. Motion carried, unanimously.

UNDER ARTICLE 21 Stratos Dukakis of the Nashoba Valley Technical ih School District Committee, moved that the Town vote to accept rvisions of Section 12 of Chapter 188 of the Acts of 1985, the COOL IMPROVEMENT ACT,in relation to the Equal Education Opportunity rnt in the amount of Seventeen Thousand Nine Hundred Twenty Dollars $7,920.00) for the Nashoba Valley Technical High School, conditioned pn the funding of said programs by any source other than the Town of hlmsford, and further conditioned upon, to the extent permitted by a, that said professional grant programs, and any monies paid to any mloyee of the Nashoba Valley Technical High School, shall not be sd or considered a past practice for the purpose of collective againing and shall be nonrecurring lump sum payment not built into cool employees salary schedules; or act in relation thereto.

Town Manger Bernard Lynch explained that this is an annual osekeeping article. It is required in order to obtain the EEOG rnts provided by the state. The Finance Committee supported the ricle. The Moderator asked for a voice vote, motion carried, nnimously.

Selectman Bonita Towle moved to adjourn the meeting until Monday vning June 18th to the McCarthy Middle School Auditorium. Motion aried, unanimously. The Meeting adjourned at 10:45 PM.

enis E. McHugh,
oerator

Mary E.St.Hilaire,
Town Clerk

ADJOURNED ANNUAL TOWN MEETING
JUNE 18, 1990

The Annual Town Meeting was called to order at 7:40 PM at the carthy Middle School Auditorium, by the Moderator Dennis E. McHugh. re were 150 Representative Town Meeting Members present.

The Moderator went over the procedure that will be used on voting budget items. According to the Finance Committee warrant book, re are a total of thirty-one line items. Within these line items, re are nine categories. Any discussion will be directed to the bered line items, which is the total budget figure of the category wn. The individual departmental figures shown are for ormational use only. He gave an example by explaining, the non bered salary figures shown under the General Government Category, e up the total budget figure shown for line item 1. Salary. refore, when the vote is taken it will be based on the numbered e items only.

UNDER ARTICLE 6 The Moderator read the article without giving figure at this time. He then asked the Town Manager for any roductory remarks.

The Town Manager Bernard Lynch, explained that this is the first e that the budget is being presented in the departmental fashion as wn. He feels this will be the most useful way to present it each r. This is one of the major changes that has come about with the sage of the charter, that there will be a comprehensive solidated executive budget. He took the time to go over some of issues that are before the Town ,himself,the department heads, rd of Selectmen and the Finance Committee. He went over the budget sentation package for FY91 that he had prepared. He mentioned the get process, which is an ongoing process. Its not something that is together in a couple of weeks and then put before the body for a e. He listed the various steps taken to make up this budget. He tioned the FY91 Budget goals, Revenue Comparisons. He listed the enue changes that had taken place since this budget was prepared: nberry Bog Reimbursement,$431,250.00, Level Funded Local ,$451,317.00,Brookline Decision, $1,155,753.00 and Misc. ustments, $145,432.00. He felt that certain expenditures should be changed, and he listed them. As a result of the amended ures shown within the report he proposed that the total FY91 budget $45.378,801. After the transfers from the Cranberry Bog mbursement of $431,250.00 and the sale of real estate the net rating budget would be $44,848,551.00. At the end of the sentation, the Town Manager received a round of applause. The erator then read a motion to amend the budget by the Town Manager. n Manager Bernard Lynch, moved that the Town vote to amend the posed budget as follows:

. Reduce General Government Expenses by $50,000 (Sick Buyback) -Line Item 2.

. Increase Chelmsford School Department by $300,000 -Line Item 6

. Increase Public Safety Salaries by $77,317 -Line Item 8 as follows Fire $60,000 Police $17,317

. Increase Snow and Ice by $100,000 -Line Item 16

. Increase Community Services (Human Services) Salaries by $3,500 (Health Department) Line Item 17

Increase Community Services (Human Services) Expenses by $3,000 (Elder Affairs Meals on Wheels) -Line Item 18

Increase Community Services (Culture and Recreation) Salaries by $52,872 - Line Item 21 as follows
Recreation $37,872 Library $15,000

Increase Community Services (Cultural and Recreation) Expenses by $4,003 (Recreation) -Line Item 22

Amend Community Services (Cultural and Recreation) by adding Recreation Offset Receipts of $39,375.

Debt and Interest Delete Transfer Special Revenue -Sewer Betterments $700,000 Insert Transfer Special Revenue Cranberry Bog Reimbursement $431,250.

Moderator asked for the Finance Committee's recommendation. The ance Committee recommended the Town Managers proposed budget and motion to amend. The Board of Selectmen recommended the motion. Moderator asked for any discussion hearing none he asked for a ce vote, motion carried, unanimously. Bernard Lynch then moved to nd under General Government Line item 1 Salaries by increasing it ,400. to read $771,004, and decreasing Line Item 2 Expenses by ,400. to read $4,921,631. He explained that this would add a half clerk to the Town Clerk's Staff for six months. This position had ginally been eliminated and will be retained for the next six chs. The Finance Committee and the Board of Selectmen supported the ion to amend. The Moderator asked for further discussion, hearing e he asked for a voice vote, motion carried unanimously. He then ed for any discussion on line items 1-5 under General Government. y Balan moved to vote on the entire budget as present by the Town ager. He felt that it's been pared down enough. The Finance mittee was not in favor of voting on the entire budget because of trash users fees involved and the need for discussion. They felt perhaps the entire budget could be voted on in it's entirety luding the trash issue. The Moderator asked for Town Counsel's nion. James Harrington, Town Counsel declared that this could be sidered. The Moderator read the revised motion: To vote on the ager's budget with the exclusion of the trash monies. A discussion place. Barry Balan withdrew his motion.

Questions were raised on why just the numbered line items were ng allowed discussion and not all the line items. The Moderator ained that what has been done at previous Annual Town Meetings e propostion 2 1/2 has been enacted, was all numbered line items e opened for disscussion. A final vote was taken at the conclusion ll discussion concerning the entire budget. If a vote was taken ach numbered line item, then the meeting adjourned to another t, according to Town By-laws, that business could not be brought for discussion or amendments. By waiting to take the vote at the of the last numbered line item, any adjustments could be made if be. Unless instructed to do otherwise, he was going to proceed this process of discussion at only the numbered line items. As ained at the beginning of the meeting, any item not numbered is informational purposes only. A discussion followed. A number of esentatives spoke against discussion taking place only at the bered line items, and not being able to vote on each line item. Town Manager explained that by voting the total figures for each item within the category allows him the flexibility to move money one department to another. If he feels better management is

ded. However, it can only be done to those line items within the artmental category. He couldn't take monies from Public Safety egory, and put it into the Finance Department. He would have to e it within the General Government category. Robert Sexton said t he felt that the representatives wanted to make sure that the ey is spent on each department's line item as shown, and not let it moved around. Thomas Moran brought up the closing the Fire Station West Chelmsford. He felt that this needed detail discussion before action took place. The Town Manager explained that the resentatives could only vote on the money figures, not the policy how it was going to be spent. That was left up to the Board of ectmen, Town Manager, or the actual department head if the uation need be. Cheryl Boss of the Finance Committee, explained t this is how the School Department handles it's budget, they are ed a certain amount of money to work with, however they spend it is to them, Town Meeting has no say on where the money is to be ually spent. At the Finance Committee meetings all departments and Town Manager presented detail information explaining where the ey allocated would be spent. Donald Ayer moved that the Town cting Representatives approve each Departments budget and its total. that we not approve general totals for sections. Town Counsel, es Harrington, ruled this motion out of order. More discussion k place. Selectman Roger Blomgren proposed that the Town Meeting ceed though the budget item by item. Selectman Bradford Emerson eed much time has been wasted and felt this would be a better roach, and so moved for this to be done.

The Moderator then proceeded to read each informational non bered line item, beginning with the Executive Office the Town ager/Selectmen through the Planning Board reading each line item, ask if any need for discussion under each. Under the Employee efits heading, discussion took place. Richard Codling commented on Chapter 32B Insurance costs. The Town Manager explained that he working on trying to lower these costs. However it is a cost that as no control of. The rates are set by the insurance companies. Graham felt that we should be downsizing general government, not easing it. Some employee's have been given 12 to 16% increases in aries over the years. We were lead to believe last year they were getting 2 1/2% when in reality they are given 5%. She hasn't see being done and used the Accounting Office as an example. She ed that since 1980 there has been four employees in the Town ountant's Office. When in prior years there was only three oyees. Mary Villare, Ass't Accountant corrected her and said that e 1972 there has always been three clerks and one Town Accountant. Town Manager explained that the employees under the Personnel d and the employees clerical union are required to have yearly uations. With this process they are given a step raise and a cost iving raise, which could amount to a total of 5% or more. He said as working with the committees to try and curb these costs. Under leave buy-back, D. Lorraine Lambert question the elimination of time buy back. An employee is more likely to take advantage of ng time off because at the end of the year they will no longer be to accumulate it. It is a benefit that they should get paid for ecause they did earn it by not taking it off. James Sousa wanted ake a point that back in the 70's when inflation was high the sick e buy-back was offered as a benefit in place of raises. This is only paid at the time of retirement but in case of death, so in cases any employee who has been with the Town a great amount of s do look at this as an additional benefit.

Under the Chelmsford School Department category, Chairman of the ool Committee Wendy Marcks, indicated that the Committee was not pare to recommend any bottom line figure for their budget, because ight was the first time that they were made aware that they would given an additional $300,000. They could only give a ommendation on what they were prepared for and felt that this itional money would change those figures and recommendations. A stion was raised by Andrew Silinish, If the bottom line figure is that is required to be voted on then what difference would it e? Why couldn't the School Commmittee give their recommendations ight? Tom Carroll, the Financial Advisor of the School Committee lained that they required more time to go over the figures. ching positions would definitely be reinstated, but the Committee t look at where they will be added, where the most need is. This ld result in schedules being updated during the summer in order to ready for the fall. Depending on what the Board does with any itional funds, any activity programs, athletic programs, supplies materials that have been cut would be looked at and analyzed. ald Ayer moved to increase the Manager's budget figure by another 7,000.for a total of $22,506,338. He explained that the original s made to the budget was $900,000. which was approximately 60%. He t that the Board should receive more monies because of the amount monies cut. He listed a few areas where he would like the money nt. The Finance Committee asked the Town Manager where would the itional monies come from. The Town Manager explained that if need he would take the money from the capital improvement article, which luded school mandated items. He was against doing this, he felt would be better spent if this debt was decreased. Less money would e to be borrowed. This would result with the next four years of ments being smaller, and a savings would be made. He recommended inst the motion. Chairman of School Committee Wendy Marcks further lained that at their previous meeting the Committee voted as a body support a balance budget of 60% of any anticipated monies coming the town. Samuel Poulten stated that the School Department is tainly entitled to receive more money. He reminded the Town Meeting of the cuts and the amount of money that was actually cut from School's Budget, not only this year but last year,due to the lost state aid. The Brookline decision money should all be put back into budget, not 40% for the town and 60% for the school but fairly ributed. This is where it came from. He wanted to see the School artment come back next week with their actual recommendation, and oped the figure would be even more than Donald Ayer's motion. is Ready moved to amend the Ayer's motion by adding an additional 3,000. to the 127,000. figure. For a total of $390,000 added to bottom line which would give a total budget of $22,769,338. He that the school Department's fair share of the 60% would be ,000. By including the amended monies already voted of $300,000. adding $390,000. (which is the $127,000 and his $263,000 together) d bring the total amount of increased monies up to $695,000. which 0% of the revenues received back. For a total bottom line figure 22,769,338. The Moderator asked for the Finance Committee's mmendation. The Finance Committee wanted to hear from the School ittee first. Chairman Wendy Marcks stated again that they could reach an intelligent figure at this time. She applauded what the Manager and the Representatives were attempting to do, but in all ness they needed time to look at their budget and come up with r own figures of recommendation. She also stated that she was concern at this time, of trying to act on article 8 tonight, use of the mandated handicap items. The Committee was meeting the night and needed to award these bids, this would save the town ,000.

The Moderator suggested that maybe article 6 could be tabled at s time, and bring up article 8 for discussion and vote. Edward liard asked if this was done, would everything in article 6 be able be brought back up for discussion including the amendment (s) all dy on the floor? Andrew Silinish moved to adjourn until next day June 25th. William Dalton question why wait until next Monday come back, why not come back another night this week. Chairman of School Committee Wendy Marcks was against adjourning at this time, wanted to be able to vote on article 8. The Town Manager was not favor of taking article 8 up before finishing the budget. Any aining monies not applied to the budget will be used to fund icle 8. The Finance Committee felt these issues should be addressed t Monday. The Board of Selectmen supported adjourning to next day. The School Committee stated that they would be in favor of journing to another night this week. Barry Balan moved to adjourn Wednesday night June 20th, at the McCarthy Middle School itorium, at 7:30 PM. The Moderator asked Town Counsel if this ion to amend would be in order if in fact another board has already eduled a meeting. James Harrington, Town Counsel explained that ording to Town By-law the Town Meeting takes precedent over any er previous scheduled meeting. The Finance Committee supported the ion to amend the motion to adjourn. The Board of Selectmen said t the Board had a tie vote at this time. The Moderator asked for a ce vote which left the chair in doubt, he then asked for a show of ds, motion carried. The meeting adjourned at 11:10 PM.

nis E. McHugh,
erator

Mary E.St.Hilaire,
Town Clerk

ADJOURNED ANNUAL TOWN MEETING
JUNE 20, 1990

The Annual Town Meeting was called to order at 7:40 PM at the arthy Middle School Auditorium, by the Moderator Dennis E. McHugh. re were 137 Representative Town Meeting Members present.

The Moderator made a few announcements. The CHS Class of 1992 e selling refreshments in the lobby. The Ethics Committee has pleted its rules and a draft is available at the check-in table. Committee will present these recommendations at a public meeting eduled for July 11, 1990 at 7:30 PM at the Town Office Building. further imput will be discussed at the public meeting with the al report being presented to the Town Meeting in the fall. The law Committee is also looking for imput from the representatives on sible changes they would like to have done in connection with the n meeting format. He gave the names and phone numbers of the ious members of these two committees if further questions or wers were needed. The Board of Selectmen have scheduled a Special n Meeting at the request of the Board of Health, for Monday July 1990. He asked the representatives to please make note of this e.

The Moderator then explained that the Town Meeting had adjourned Monday evening at the Chelmsford School Department Category which eared in the budget discussion under Article 6. And he would inue the discussion from that point.

UNDER ARTICLE 6 CON'T The Town Meeting body was discussing the nis Ready motion, which was to amend Donald Ayer's motion by adding otal of $390,000 of new monies to the amended figure of $2,379,338. Which would result with a bottom line total figure of 2,769,338. Donald Ayer said that he had discussed this motion with nis Ready and that they both agreed to withdraw the motion at this e. Donald Ayer moved to withdraw the motion at this time. The erator stated that since it has been presented to the body and a ussion has already taken place, he asked for a voice vote on the on to withdraw, motion carried. Donald Ayer then commented that would personally like to commit himself to staying the night and leting the budget. He felt that other representatives felt the way, so he requested that all discussion be brief. Chairman of School Committee Wendy Marcks moved to amend the motion by adding additional $198,860. of new monies, to the amended monies already d of $300,000. for a total increase of $498,860. added to the om line which would give a total budget of $22,578,198. Thomas oll, the Financial Advisor of the School Committee, gave a brief entation explaining where the money would be going. Personnel, ral support, health education programs, textbooks, library, audio on equipment, special education, late bus service, maintenance of nds. A discussion followed. The moderator asked for the Finance ittee's recommendation. Chairman of the Finance Committee, Dwight ard,supported the motion to amend. Chairman of the Board of ctmen, Bonita Towle said that the majority of the Board of ctmen present were in favor of the motion. The Town Manager said although he agreed with the School Committee's request he was g to standby his original budget figure that has already been ded. Samuel Poulten made a motion to move the question, which d stop any further debate. The Moderator attempted a voice vote h left the chair in doubt. He asked for a show of hands, still in t he asked the tellers to come forward and

duct a hand count. The following tellers came forward: Michael all, Helen Manahan, Marc Vandenbulcke, Marie Geary. The result, 80, No 46, 2/3's is 84 motion is defeated. The discussion tinued. Robert Sexton said that the School Committee's budget if roved would be increased 6.6%. Thomas Carroll explained why the get has increased. More discussion followed. Robert Sexton moved table the School Committee's motion. The Moderator asked for a ce vote, motion defeated. The discussion continued. A number of resentatives spoke for and against the School Committee's motion. frey Stallard moved the question to stop debate, motion carried, imously. The Moderator then asked for a voice vote on the School mittee's motion to increase the bottom line to $22,578,198., motion ried. Under the Nashoba Valley Technical High School Samuel lten wanted to note the possibility of the need to increase this get next year. Thomas Carey, member of the Nashoba Valley nical High School Committee, commented that the budget is down to minimum and that the administration has done a tremendous job. Moderator proceeded by reading the Public Safety category numbered e items and the non numbered items. Under the Police Department ef of Police, Raymond McKeon spoke about his budget. Dennis Ready ed to amend the article by adding an additional $75,000. to the ice salary account. He said that this would be used to reinstate Safety Patrol Unit. The Moderator asked for the Finance mittee's recommendation. The Committee wanted to hear more imput ore recommending. The Board of Selectmen were in favor. The Town ager was against the motion. Dennis Ready explained that the ding for this unit had been cut from last year's budget. This unit responsible for bringing in a large amount of revenue to the town to offenders of traffic violations. By reinstating this unit two olmen would not have to be laid off. They would work on this t. No overtime or any additional equipment will be needed. The nance Committee was against the motion. A very lengthy discussion k place. William Logan, a member of the Traffic and Safety mittee, who as a member of the Finance Committee was the Police artment's liaision to the committee, felt that this was a last ute decision that should have been discussed more with his two rds. Bradford Emerson moved the question to stop debate. The erator asked for a voice vote which left the chair in doubt. The lers came forward and a hand count was taken: Yes 113 No 9 2/3's is motion carried. He then asked for a vote on Dennis Ready's motion increase the Police Salary account by $75,000. Motion carried. al Policy salary is now to read $2,563,235. The Moderator read the numbered items under the Fire Department. James Sousa moved to nd the Salary Line by increasing it $176,500. and the Expense Line $8,500. He explained that this would accomplish restoring the ce to sixty uniform members of service firefighters and captains maintain all the fire stations that were opened last year and id closing any stations. This would restore the services to what were a year ago. He listed the many non fire related services the men and station perform. The Moderator asked the Finance mittee for their recommendation. The Board was not ready to give r recommendation at this time. The Selectman wanted to hear more ussion. The Town Manager was against increasing the budget. He that the Town couldn't continue to fund areas that would tually have to be cut back. They are only putting off the itable. He felt that when the voters didn't vote for the override were sending a message of not wanting to pay more taxes. By not ing more taxes, services would have to be cut. A lengthy ussion took place. A number of representatives spoke against the cy of closing the West Fire Station. They wanted the service to etained and spoke in favor of the motion to do so. Chief Hughes asked about preserving public safety with a two minute respond

e. He explained that once any of the stations are closed within
e town there would be absolutly no guarantee that the two minute
ponse time could be met. The Board of Selectmen were in favor of
e motion to increase the salary and expense line of the Fire
partment. Dennis Ready moved the question to stop debate. A
estion was raised to hear the Finance Committee's recommendation.
e Moderator explained that once a motion to stop debate is made no
her business can be discussed at this time. He then asked for a
ice vote on the motion to stop debate, motion carried, unanimously.
e Moderator asked for a voice vote on the motion to amend, which
t the Chair in doubt, he asked for a show of hands, motion carried.
e amendments voted on for the Police and Fire would increase the
blic Safety category line item 8 Salary to be 5,624,005 and line
em 9 Expense to $438,761. for a total Public Safety budget of
39,867. The Moderator continued to read the rest of the non
bered line items. Under the Public Works category he read the
bered line items total figures, and proceeded to read the non
bered items asking for the need of any discussion.

ward Hilliard questioned the snow and ice account. He wanted to
w if the voted amendment figure of $100,000. increase to this
count included maintaining the non town parking lots. Specifically,
ding and clearing the church parking lots. The Town Manager
plained that this was not the purpose of the increase. The Board of
lectmen set a policy that the Town would no longer be responsible
r maintaining these non town parking lots. The amount was increased
order to establish a base and to comply with a Massachusetts
nancial state law, which will not allow a town to overspend unless
appropriates the amount that was spent the year before. Edward
lliard read a letter that was sent to him concerning the issue. The
tter was from the baptist church located in the center of the Town.
specified the different public service organizations that used the
rches parking lot for free at different times of the year. Boy
uts, Hockey Associations, Fourth of July Celebration, weekly summer
d concerts. The church allowed the sewer contractor to store
uipment on the parking lot, and use the lot as an access during the
wer construction. Edward Hilliard felt that there are a lot of
her Town functions that the churches do allow parking for and wanted
e Town Manager to realize this. William Spence asked if a motion
uld be made to allow the church an extension of one year, then they
uld make changes within their policies. The Town Manager said that
ile he supported the policy, it was the policy of the Board of
lectmen. Selectman Bradford Emerson explained that a majority of the
e member board voted to discontinue plowing the parking lots, but
t the majority of the Board present tonight support the plowing of
e parking lots. William Spence wanted to make a motion to continue
e plowing. Town Counsel said the motion was out of order. Only the
ard of Selectmen could decided that policy issue.
effrey Stallard moved to amend the budget by taking 18,300 from line
em 16 Snow & Ice Under Public works; and move it to line item 17
lary under Community Services (Human) for the sole purpose of
ding the restoration of the Elder Services clerk, $10,000 and the
nior Activities Coordinator, $8,300. Both the Town Manager and the
nance Committee were against the motion to amend. Jeffrey Stallard
plained the reason for his motion. He wanted to maintain the same
vices as last year. A discussion took place. The Moderator asked
r a voice vote on the motion to amend, motion defeated. The
scussion continued. Michael Anthony of the Solid Waste Advisory
ard, spoke about the trash issue. He felt that $530,000 should be
oved from the sewer betterments receipts and

lied to the waste collection. He said that this would eliminate the ly fee, then residents would only have to pay for the cost of each that they put out. He further explained his reasoning for this. He ed to make this a motion. The Moderator asked Town Counsel if this ion could be made by a non representative. James Harrington ruled only elected Town Meeting Representatives could make motions. cussion followed. Richard DeFreitas made the motion for Michael hony,to reduce waste collection receipts line to read $1,012,600. add the line "transfer revenue from Sewer Betterments with the nt of $530,000" under the wording of offset receipts. After some fusion was cleared up on the exact wording and the placement of the ures was established, a lengthy discussion took place. The Finance mittee and the Town Manager were against this motion. Richard eitas spoke about the Board of Health Rules and Regulations that e being established concerning the trash issue. He felt that this ion would result in a simpler method to collect the trash. He then ed to eliminate the tag system entirely and just charge each sehold $112.00. The Town Counsel ruled this out of order. A ber of representative spoke in favor and against the motion. Barry an and Jeffrey Brem, Sewer Commissioners, spoke against using the er betterment fees. These fees should be used only for sewer work. bara Scavezze, Chairman of the Solid Waste Advisory Board, said this motion has not been discussed with the Solid Waste Advisory d, it is Michael Anthony's personal opinion. She herself is inst the motion and asked for the support of the bill and tag tem that has been adopted by the Board of Selectmen. More lengthy cussion followed. Richard DeFreitas said he had put this motion on floor for discussion. He doesn't feel that is will pass at this nt so he moved to withdraw the motion. The Modertator asked for a ce vote, motion carried.

Moderator conitinued to read the rest of the non numbered line ms listed under the Public Works Category, beginning with the ineer and asked for any discussion. At the Waste Collection non e item, Ronald Wetmore moved to amend the expense line item to read 0,000. and delete the offset receipts figure of $1,530,250. A stioned was raised concerning the present trash contract. James rington Town Counsel explained that the present contract is ingent on Town Meeting funding. If the money is not voted on then Town is allowed to break the contract. The Finance Committee ported the motion. The Board of Selectmen did not. Robert Sexton ed to amend Ronald Wetmore's figure of $270,000. to be $1,800,000 delete the offset receipts of $1,530,250. to be zero. The Finance mittee was not in favor of this motion. The Town Manager was not favor of the motion. Selectman Emerson moved the question, motion ried, unanimously. The Moderator asked for a voice vote on Robert on's motion. Motion defeated. More discussion took place. liam Logan moved the question to stop debate, motion carried, imously. The Moderator asked for a voice vote on Ronald Wetmore's on, motion defeated.

ard DeFreitas moved to adjourn until Monday June 25th at 7:30 PM he McCarthy Middle School Auditorium. The Finance Committee was in fav of the motion. The Board of Selectmen were against this motion. A disc on took place. The Moderator asked for a voice on the motion to adjourn, motion defeated. Selectman Dennis ly moved to stop debate on the rest of article 6. The Moderator ained that if this past then there would be no futher debate heard he numbered Line items under the Cemetery Department Category,

munity Services (Human Service) Category, Community Services
lture & Recreation) Category and Debt and Interest Category. He
empted a voice vote which left the chair in, doubt the tellers came
ward and conducted a hand count. Result of the hand count, Yes 78
38 2/3's is 77 the motion carried.

then read the beginning of the motion. Town Manager Bernard Lynch
ed that the Town vote to raise and appropriate and transfer from
ilable funds the sum of $45,837,661. as may be required to defray
n charges for the fiscal period from July 1, 1990 to June 30, 1991.
Moderator asked for a voice vote, which left the chair in doubt.
asked for a show of hands, motion carried. The budget reads as
lows:

GENERAL GOVERNMENT:	
1. Salary	771,004
2. Expense	4,921,631
3. Out-of-State	2,301
4. Outlay	506
5. Legal Services	5,000
Total General Government	5,700,442
CHELMSFORD SCHOOL DEPARTMENT:	
6. Total budget	22,578,198
NASHOBA VALLEY TECHNICAL HIGH SCHOOL:	
7. Total Town Assessment	504,625
PUBLIC SAFETY;	
8. Salary	5,624,005
9. Expense	438,761
10. Out of State	3,500
11. Outlay	23,601
Total Public Safety	6,089,867
PUBLIC WORKS:	
12. Salary	913,891
13. Expense	2,682,575
14. Out of State	4,501
15. Outlay	2,003
16. Snow & Ice	370,000
Total Dept. of Public Works	3,972,970
Transfer Offset Receipt (Waste Fees)	-1,530,250
Transfer Offset Receipt (Sewer Fees)	- 160,000
Net Budget	2,282,720
CEMETERY DEPARTMENT:	
28. Salary	115,971
29. Expense	27,275
30. Out of State	500
31. Outlay	3,500
Total Cemetery Department	147,246
COMMUNITY SERVICES (HUMAN SERVICE)	
17. Salary	275,993
18. Expense	127,708
19. Out of State	1
20. Outlay	2
Total Budget	403,704
COMMUNITY SERVICES (CULTURE & RECREATION):	
21. Salary	527,030
22. Expense	90,828
23. Out of State	500
24. Outlay	2
25. Books & Periodicals	107,120
Total Budget	725,480
Transfer Offset Receipt (Recreation Fees)	-39,375
Net Budget	686,105
DEBT & INTEREST	
26. Principal	3,580,000
27. Interest	2,135,129
Total Debt & Interest Budget	5,715,129
Transfer Special Revenue -Cranberry Bog reimbursement	-431,250
Transfer Special Revenue -Sale of Real Estate	-99,000
Net Budget	5,184,879
TOTAL FY91 BUDGET	**45,837,661**
Minus total Available funds (trans & offset recp)	-2,259,875
Net FY91 Budget (Raise & Appropriate)	43,577,786

ARTICLE 7 Chairman of the Finance Committee Dwight Hayward, moved that th Town vote to raise and appropriate the sum of $200,000.00 to be used as a eserve Fund at the discretion of the Finance Committee, as provided in Ge l Laws, Chapter 40, Section 6.

rman of the Finance Committee, Dwight Hayward, explained that this oney that is put aside to cover any unforseen emergencies. This ires a transfer to be done, he asked for support of the article. Board of Selelctmen supported the article. The Town Manager orted the article. Motion carried, unanimously.

UNDER ARTICLE 8 Town Manager Bernard Lynch, moved that the Town to transfer and appropriate $66,403.00 from unexpended proceed of nts authorized for capital planning project expenditures under cle 10 of the Annual Town Meeting of 1989 and Article 13 of al Town Meeting of 1988, transfer and appropriate the sum of 987.00 from unexpended proceeds of amounts authorized for capital ning project expenditures, under article 14 of Special Town ing 1986, Article 17 of Special Town Meeting 1986, Article 15 of ial Town Meeting 1987, to raise and appropriate the sum of ,810.00 to borrow the sum of $919,145.00 and to transfer and opriate the sum of $60,000.00 from the Stabilization Fund to fund following capital projects:

SCHOOL		
1.	Manadated Asbestos Removal McCarthy And South Row	100,000.
2.	Mandated Oil Tank Testing and/or Replacement	51,200.
3.	Mandated Handicap Access	849,345.
4.	McCarthy Roof re-coat	57,200.
POLICE DEPARTMENT		
5.	Purchase 4 cruisers	60,000.
TOWN CLERK		
6.	Optech Voting Machines	34,600.
DPW-Highway		
7.	Road Maintenance	300,000.
Sewer		
8.	Pick-up Truck	11,000.
	TOTAL	1,463,345.

Finance Committee, Board of Selectman, and the Town Manager were in favor of the article. Edward Hilliard question the mandated s listed under the School list and wanted to know why these items not being paid for by the State. Tom Carroll of the School rtment explained that these are mandated thru the Federal rnment, but the money must be appropriated first and then the town apply for reimbursement from the Federal Government. Linda Allen tioned the need for the voting machines. The Town Manager ained that right now there is a high trade-in value on the present ines, until the end of this year. The present machines and system beginning to show wear and tear. The new system is more durable easier to handle. Also there is monies left in the state census

count that will be applied to the cost in addition to the amount on. Monies should be saved over the long term. More discussion o place. Ann Graham questioned the effect of this article will be e the next four years. The Town Manager answered about $250,000.00 c year. The Town Treasurer explained that the debt will be tally less in 1992 because we are paying off certain sewer penditures, so the actual debt will be less. Dennis Ready moved the etion. Motion carried, unanimously. The Moderator asked for a ie vote, motion carried, unanimously.

UNDER ARTICLE 22 Selectman Bonita Towle moved that the Town vote nstruct the Board of Assessors to issue a sum of $16,941.00 from e Cash in the Treasury for the reduction of the tax rate.

w Manager Bernard Lynch, explained that this is monies left over d FY 1989 that is still available and will be use for this article. sked for support of the article. The Finance Committee mmended the article. Motion carried, unanimously.

Seeing that there was no further business at hand the Moderator cared the meeting adjourned.

Tom Carroll requested the floor to speak about the approved hool budget. Speaking on behalf of the School Committee, this has e a very long and hard going task which has been going on since vember. Regardlesss if the body was in favor of the budget or not, wanted to make a point of acknowledging the work, effort and operation, done by the Finance Committee, the Board of Selectmen, w Manager and the School Committee to arrive at a definite quality get that the Town could work with.

The Town Manager Bernard Lynch made an announcement "that one of y people that has been part of the town for the last 12-15 years, has made the Town Meeting work, has been the Town Accountant Ernie y This is going to be his last Annual Town Meeting". He felt e deserved a round of applause for all his efforts. The Town eing body acknowledge Ernie Day with a round of applause and a ading ovation.

Jeffrey Stallard made a point to wish Tom Carroll of the School partment good luck and success on his new venture. This announcement s followed with a round of applause.

The meeting adjourned, Thursday June 21, 1990 at 12:30 AM.

nis E. McHugh,
erator

Mary E. St.Hilaire,
Town Clerk

REF#	DESCRIPTION	DATE	AMOUNT	THIS LEDGER ACCOUNT 1	THIS LEDGER ACCOUNT 2	CROSS LEDGER ACCTS

147 TOTAL NUMBER OF ITEMS

* 46,102,845.00 TOTAL FOR BATCH

PRINTED --- 21-Jul-90 at 08:46 AM

ART 2.	BILLS PRIOR YEARS	4,680.
ART 3.	AUDIT	22,500.
ART 6.	DEP'T BUDGET	45,837,661.
ART 7.	RESERVE FUND	200,000.
ART. 9.	LAND LEASE	20,000.
ART 11.	CEMETERY IMROV	18,000.
ART 15.	ACCEPT STS.	4.
*		46,102,845.

ADDITIONAL ARTICLES:

ART 8.	CAPITAL PROJECTS	1,463,345.
ART 16.	SEWER CONSTR	3,100,000.
		50,666,190.

SOURCE OF FUNDING

RAISE AND APPROPRIATE			44,217,780.
TRANSFERS AVAILABLE FUNDS:			
SALE OF CEMETERY LOTS		18,000.	
STABILIZATION FUND		60,000.	
SALE OF TOWN PROPERTY		99,000.	
CONSERVATION LAND REIMB		431,250.	
OFFSET RECEIPTS:		1,729,625.	
SOLID WASTE	1,530,250		
SEWER USE	160,000.		
RECREATION	39,375.		
PRIOR YEAR APPROP:		—24,987.	
ART 14 12-8-86 LIBRARY NEEDS STUDY	12,987		
ART 17 9-25-86 LAND TAKING FLETCHER ST	7,000		
ART 15 11-30-87 LAND TAKING DRUM HILL	5,000		
PRIOR YEAR CAPITAL PROJ:		66,403.	
ART 13.'88 SCHOOL HS - HVAC	18,000.		
ART 10,'89 SCHOOL SO ROW ROOF	45,600		
ART 10,'89 SCHOOL GENERATOR	2803		2,429,265.
BORROW:			4,019,145.
SEWER CONSTR (PENDING EXEMPTION)		3,100,000	
CAPITAL PROJ		919,145	
			50,666,190.

FINAL ARTICLE 22.
TRANSFER FROM FREE CASH TO REDUCE TAX RATE
16.941.

WARRANT FOR THE SPECIAL TOWN MEETING
JULY 23, 1990

MIDDLESEX, SS.

To the constable, or any other suitable person of the Town of Chelmsford:

Greetings:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the town meeting representatives of said Chelmsford to meet in the McCarthy Middle School Auditorium on Monday, the twenty-third day of July, at 7:30 p.m. o'clock in the evening, then and there to act upon the following Articles, VIZ:

Article 1. To see if the Town will vote to raise and appropriate, transfer from available funds, transfer and appropriate from the stabilization fund and/or borrow a certain sum of money in order to pay outstanding engineering consulting fees incurred by the Town in connection with restoration work at the Swain Road landfill; or act in relation thereto.

Board of Health

Article 2. To see if the Town will vote to raise and appropriate, transfer from available funds, transfer and appropriate from the stabilization fund and/or borrow a certain sum of money in order to engage contractors, and necessary consultants including engineering and legal, to perform certain cap restoration work at the Swain Road landfill site and pursue any legal remedies available to the Town of Chelmsford; or act in relation thereto.

Board of Health

Article 3. To see if the Town will vote to amend the vote taken under Article 16 of the warrant for the Annual Town Meeting 1990, by deleting the last sentence requiring an additional specific exemption under Proposition 2 1/2; or to take any other action relative thereto.

Sewer Commission

Article 4. To see if the Town will vote to recommend that the Board of Selectmen submit a question for insertion on a ballot to be voted upon by the Town to override the provision of Proposition 2 1/2 for the purpose of funding municipal/household solid waste collection and/or disposal; or act in relation thereto.

Petition

Article 5. To see if the Town will vote to authorize the Board of Selectmen to convey for consideration to be determined, all right, title and interest if any, held by the Town in the North Town Hall on Princeton Street; provided however that any sale shall be contingent upon a right of reversion to the Town in the event that the property is used for purposes other than those negotiated by the Selectmen, and further contingent upon the Town being granted a right of first refusal upon any subsequent sale; or act in relation thereto.

Board of Selectmen

Article 6. To see if the Town will vote to raise and appropriate, transfer from available funds, or transfer and appropriate from the Stabilization Fund, and/or borrow a certain sum of money for the purpose of securing estimates for the repair and restoration of the North Town Hall on Princeton Street; or act in relation thereto.

Board of Selectmen

Article 7. To see if the Town will vote to amend Article 6 of the 1990 Annual Town Meeting by transferring and appropriating the sum of $6,000 from line item #21 Community Services Salaries to Community Services Expenses line item #22; or act in relation thereto.

Town Manager

Article 8. To see if the Town will vote to direct the Town Manager to transfer $18,700 from Unemployment Benefits to the Department of Elder Affairs for the purpose of restoring the Activities Coordinator position and the Elder Affairs Clerk to full time.

Petition

r of fail not and make return of this warrant with your doings thereon
he time and place of said meeting.

vn under our hands this day of , A.D. 1990.

BOARD OF SELECTMEN OF TOWN OF CHELMSFORD

Bonita A. Towle, Chairman

Dennis J. Ready, Vice Chairman

Henrick R. Johnson, Jr, Clerk

Bradford O. Emerson

Roger A. Blomgren

TOWLE, Chairman
READY, Vice-Chairman
. JOHNSON, JR., Clerk

BOARD OF SELECTMEN
TOWN OFFICES
50 BILLERICA ROAD
CHELMSFORD, MASS. 01824-2777

BRADFORD O. EMERSON
ROGER A. BLOMGREN
TEL. 250-5201 FAX. 250-5252

July 23, 1990

Mary E. St. Hilaire
Town Clerk
Town Offices
50 Billerica Road
Chelmsford, MA 01824

Dear Mrs. St. Hilaire:

At their meeting on June 18, 1990 the Board of Selectmen unanimously voted to call a Special Town Meeting for Monday, July 23, 1990 at 7:30 p.m. in McCarthy Auditorium. When the warrant was posted, the date of the signing of the signature page was not completed, a procedural omission.

If you have any questions, do not hesitate to contact me.

Sincerely,

Judith E. Carter

Judith E. Carter
Administrative Assistant

jec

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS 7-9-90

unt to the within warrant, I have notified and warned the
tants of the Town of Chelmsford by posting up attested
e of same at the following places, to wit:
ffice Building Gym, Harrington School Gymnasium, Harrington
Gymnasium, Westland School Cafeteria, Byam School
rium, Westland School Cafeteria, McCarthy Middle School
Gymnasium, McCarthy Middle School Small Gymnasium, and Town
Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence

William E. Spence,
Constable

Copy Attest, William E. Spence

William E. Spence, Constable

SPECIAL TOWN MEETING
JULY 23, 1990

The Special Town Meeting was called to order at 7:45 PM at the carthy Middle School Auditorium, by the Moderator Dennis E. McHugh, h recognized the presence of a quorum. There were 138 Town Meeting eresentatives present.

The Moderator proceeded to point out the various fire exits and nrances around the auditorium. He then went over the Town Meeting ues and regulations. A discussion took place over the procedures. cments were raised about the same representatives using the microphone n the length of discussions. It was also mentioned that everyone huld stand in line to use the main microphone. Especially when either aing motions to move the question or making amendments to an article. h Moderator explained that there is a By-Law Committee, Thomas Doyle sthe Chairman. The Committee is working on modifying the Town's rsent by-laws. Jane McKersie, who is also a member of the Committee, xlained briefly what the committee has drafted so far. The Moderator red the represenatives to contact the Committee regarding future Town eting procedures.

Selectman Bonita Towle moved that the reading of the Constable's eurn of service and posting of the warrant be waived. It was so oed, unanimously. Selectman Towle moved that the reading of the nire warrant be waived. It was so voted, unanimously.

UNDER ARTICLE 1 Mark Gauthier, Member of the Board of Health, oed to amend the article by adding the following wording to the end of h article, "Provided, that any money taken from the stabilization ud, recovered by or on behalf of the Town shall be returned to the tbilization fund." The Finance Committee was in favor of the article ih the added amendment. Mark Gauthier explained that this article and h next are both about the same situation. The ongoing capping project tthe landfill on Swain Road was allegedly damage by a local otractor, Bob Hicks who's company tore up the area already worked on n dumped construction debris there. Due to this being a possible elth hazard they had to act right away, in order to protect the Town n the residents in the area. The Board of Health hired an engineering osulting firm to assess the damage done to the project. The Board of elth felt that this was an emergency expense of $53,893. that was not ugeted for and the firm has already done the work required, the next ricle is the actual cost for repairing the damage. The Town is in the rcess of suing the alleged contractor for all the expenses that has curred from the damage. The Board of Selectmen were in favor of the ricle and the motion. The Moderator asked for a voice vote on the oion to amend. Motion carried. A Discussion took place. Henry ulivan spoke against the article, he didn't want any more money spent ntaxes. Roger Blomgren questioned the $200,000. that was appropriated n1988 for the final closing phase of the landfill. Mark Gauthier xlained that some of that money has been used to draw up plans and pay nineering costs, there is $149,000. left. The requested money for hse two articles is over and above the $149,000. He then gave a akdown of where the money will be going. James Doukszewicz, Town rasurer, clarified that the money is coming from the stabilization ud. No new tax money will be raised. More discussion took place, a uber of representatives spoke against the article. George Merrill pke against the article. John Emerson of the Health Department spoke nfavor. James McBride spoke about the problems the Conservation

mission had with Mr Hicks, and how it was resolved. Mark Gauthier ited the different negotiation dates that have taken place with Mr iks with the Board of Health. The Board attempted to resolve the iuation, but as of tonight's meeting the Board hasn't heard from Mr iks or his attorney. The Board of Health must comply with the Court rer of 1985 of the completion of capping the the landfill, or else be ed in contempt and be charged with a $1000.00 a day fine. The town il pursue the attempt through the courts if need be, in order to get r Hicks to reimburse the Town for all the costs involved. Mr Hilliard ustioned if there was any consequential damages done to the adjourning rperties, would the contractor be held responsible? Town Counsel, aes Harrington explained that a Special Counsel with a speciality in nironmental suits, had been hired by the Town. Due to the possibility f pending court action, he couldn't discuss the negotiations that have aen place. He assured the body that the town's best interest were eng protected. The counsel had been advised to take the appropriate cion necessary to recover all money spent for the damage and osequential damage that has occurred. The Moderator said that a /0's vote is needed. He attempted for a unanimous vote, which failed. Te following tellers came forward and a hand count was taken: ihard McClure, Dorothy Frawley, Michael McCall, Lucy Simonian. The eult of the hand count, Yes 110 No 16, 9/10's is 113, the motion aled.

UNDER ARTICLE 2 The Moderator read the article. Mark W. athier, Board of Health Member, moved to amend the article by adding h following wording to the end of the article. "Provided, that n money taken from the stabilization fund recovered by or on behalf of h Town shall be returned to the stabilization fund". He then xlained the reason for the amendment in this article was the same for h previous one. He added that the Board of Health also is prepared if eessary to file a suit for damages, and asked for support of the ricle. The Finance Committee supported the amendment and the article. uestioned was raised on why a 9/10's vote was needed for article one, n not this article. Town Counsel explained that the services of the ineering consulting fees are considered a bill from the previous ical year and the statute requires a 9/10's vote. The Moderator asked o a voice vote on the motion to amend. Motion carried, unanimously. A icussion took place. A number of represenatives spoke for and against h article. Town Counsel explained about the DEP taking court action ginst the Town if the capping plan isn't followed through. Even hugh the Town isn't responsible for the alleged damage, it is the on's responsibility to meet the time frame set by previous court cion. James DeProfio a representative from precinct two, where the adfill is, asked for support of the article. He felt that the people nthe immediate area needed the protection and that the rest of the on needed to be protected. James McBride of the Conservaton omission asked for support of the article because of the environmental ator.

Thomas Moran asked for article one to be reconsidered. He felt ht people didn't realize the full intent of the article and were ofused about the required 9/10's vote. The Finance Committee uported the motion to reconsider. Selectman Blomgren wanted the Town aager to give the representatives some financial advise concerning the cl of the article. Town Manager Bernard Lynch said that it was his nerstanding that the money mentioned in article one was going to be aen from the balance of the 1985 appropriation of $200,000.00. He et that it should be done that way, then amend article two's figure of

,107.00 by increasing it $53,893.00 for a total of $110,000.00. ery Sullivan spoke against article one being reconsidered. Bernard ych explained that the Town Counsel and Financial Director differed ih him on his opinion of using the money from a past appropriation to a the engineering fee in article one, and increasing article two's unt. He felt that the article should be reconsidered at this time. ectman Blomgren asked for Town Counsel's opinion on the matter. es Harrington explained that the bill mentioned in article one, is a l from the prior fiscal year. By statute it must come before this y for a 9/10's vote and it cannot be paid out of the money currently propriated. The Moderator asked for a voice vote on the motion to onsider, motion carried.

UNDER ARTICLE 1 Andrew Slinish spoke in favor of the article. frey Stallard moved the question to stop debate. The Moderator asked a voice vote, motion carried, unanimously. The Moderator asked for oice vote, which left the chair in doubt. The tellers came forward conducted a hand count. The Moderator read the article. Mark W. thier moved that the town vote to transfer and appropriate from the bilization fund the sum of $53,893. in order to pay outstanding ineering consulting fees incurred by the Town in connection with toration work at the Swain Road land fill. Provided that any money en from the stabilization fund recovered by or on behalf of the Town ll be returned to the stabilization fund. The hand count was taken, 118 No 14 9/10's vote required of 118, motion carried.

The Moderator returned to the discussion of article 2.

UNDER ARTICLE 2 CON'T He asked if there was any further need for cussion of this article. Hearing none he read the article as nded. Mark W. Gauthier moved that the town vote to transfer and propriate from the stabilization fund the sum of $56,107. in order to nage contractors, and necessary consultants including engineering and al to perform certain cap restoration work at the Swain Road landfill e and pursue any legal remedies available to the Town of Chelmsford. vided that any money taken from the stabilization fund, recovered by on behalf of the Town shall be returned to the stabilization fund. asked for a voice vote which left the chair in doubt. The tellers e forard and a hand count was taken: Yes 116 No 14 2/3's is 84, the ion carried

UNDER ARTICLE 3 Barry Balan, Chairman of the Sewer Commission, ed that the Town vote to amend the vote taken under Article 16 of the rant for the Annual Town Meeting 1990, by deleting the last sentence uiring an additional specific exemption under Proposition 2 1/2.

Barry Balan explained that the article that was passed at the ual Town Meeting was amended and voted with the added wording of "Any propriation under this article shall be allowed only upon a specific mption under prpposition 2 1/2." The intent of the article was to eive Town Meeting's permission to put the article on the ballot for a e, as required by statute, either on the election ballot of November 0 or April 1991. Nothing can take place until an actual ballot vote conducted. After Bond Counsel review the article as passed with the ed wording, counsel informed the Sewer Commission that according to tute a special election would have to take place within forty-five s of the acceptance of this article. The Sewer Commission felt this an unnecessary added expense for the Town to endure, and wanted the t sentence removed in order to allow a vote to be taken at the Town's venience. The Finance Committee supported the article. James

szewicz, Town Treasurer, questioned if the question that was passed pril of 1989 would meet the requirements of this article and avoid ing a question on any ballot. Town Counsel, James Harrington ained that Bond Counsel reviewed that possibility and said that her ballot question is required. Ann Graham spoke against removing wording from the article. Bernard Ready, one of the petitioners of orginial article explained that the areas petitioning for sewage lability are in desperate need of this service, and asked for the Meeting support. The Moderator asked for a voice vote. Motion ried, unanimously.

UNDER ARTICLE 4 Dennis Ready petitioner, explained the purpose of article. He wanted to amend it by dropping the last three words in article "and/or disposal, and add or act in relation thereto" . elt that people are not happy with the present bill and tag system the Town has adopted in order to pick up the trash. He proposed a ler solution. He felt that the $70.00 present collection fee could educed to $30.00. An override question would be necessary to do so. amount requested would only be the money needed for the collection , which would include the condominiums. The cost he figured to be ting July 1st next year, would be $609,000. which would be about 24 s on the tax rate, or with a home value of $165,000. about $38.40 a . This would be instead of the present $70.00, and avoid sending a bill, no paper work, and the $38.40 would be tax deductible where present $70.00 isn't. The Moderator read the article with the osed amendment:
is J. Ready moved that the Town vote to recommend that the Board of ctmen submit a question for insertion on a ballot to be voted upon he Town to override the provision of Proposition 2 1/2 for the ose of funding municipal/household solid waste collection,or act in tion thereto". The Finance Committee supported the article. The rator asked for a voice vote on the motion to amend the article, on carried. Richard DeFreitas spoke against the article, he didn't that the condominium owners would go along with the proposal, he that the Town should get out of the trash business if it can not ide the service within the tax structure. He didn't agree with the ent Board of Health Rules and Regulations. He wanted them to be a aw and debated on Town Meeting floor and then sent to the Attorney ral for approval. Jeff Stallard asked if this article passed, would e manditory that the question be placed on the ballot. Town Counsel d its not manditory, only the Board of Selectmen could consider ing the question on the ballot. He proposed an amendment, which Counsel ruled out of order. A discussion took place. A number of le spoke against the article. Scott McCaig moved the question. The rator asked for a voice vote, which left the chair in doubt. He d for a show of hands, motion defeated. Bill Spence expressed the erns and frustrations that he felt people had about the Town's ent financial situation. Department heads and elected and appointed cials should be more aware of controlling the costs of the Town. discussion followed. Kay Roberts moved the question. The rator asked for a voice vote, motion carried unanimously. He then d for a voice vote on the article as amended. This left the Chair loubt, he asked for a show of hands, motion defeated.

UNDER ARTICLE 5 Town Manager Bernard Lynch, explained that the cle concerns selling the North Town Hall property to a non profit nization, by way of the bidding process according to State Law. rently there is an interested party who originally was willing to lease the building, but the Town could only give them a ten year e. It would be in best interest for all if the building could be

ll as is. The Board of Selectmen were in favor of the article. The nance Committee were not prepared to give any recommendations at this it. Ronald Wetmore representing the Masonic Temple, gave a brief anation. His organization was the interested party mentioned as ing to lease the property. They would only be allowed a ten year e and because they estimated a cost of at least $100,000. for ovements of the property they wanted a longer lease, which was ssible. The Masons were willing to purchase the property through bidding process. Samuel Brink moved to amend the article by adding he end, "Also contingent upon suitable storage space being provided where for the organizations now using the North Town Hall for age." Samuel Brink explained that many youth organizations have ed their sporting equipment in this building for many years for use he nearby fields. Bernard Lynch said that this would have been sidered as an condition when the bid was made, and didn't see any blem with adding it to the article. The Moderator asked for a voice on the amendment, which left the Chair in doubt. He asked for a of hands, motion carried. More discussion took place. esentatives spoke in favor of selling the building by way of the ding process. They expressed concerns about it being sold for $1.00. was explained that it will be advertised and seal bids will be ested, and awarded to the highest bidder, not auctioned off. It was stioned on why only nonprofit organizations will be allowed to bid. lectman Johnson explained that because of the neighborhood location. property is not in a commercial zone. By keeping it limited to nonprof bidders, the Selectmen felt they would have more control on occupants. Ronald Wetmore explained because of the reverter clause group is not interested in making any money from the Town. As long he Masons use it, they will invest in the property. By keeping the torical aspect in mind they intent to bring it back to an attractable able status. If at any time the Masons no longer want the building Town will get back a building that has been greatly improved. ert Brooks moved the question to stop debate. The Moderator asked a voice vote, motion carried, unanimously. The Moderator asked for oice vote on the article as amended, motion carried, unanimously. article reads as follows:

Selectman Bonita Towle moved that the Town vote to authorize the rd of Selectmen to convey for consideration to be determined, all ht, title and interest if any, held by the Town in the North Town l on Princeton Street; provided however that any sale shall be ingent upon a right of reversion to the Town in the event that the perty is used for purposes other than those negotiated by the lectmen, and further contingent upon the Town being granted a right of st refusal upon any subsequent sale. Also contingent upon suitable age space being provided elsewhere for the organizations now using North Town Hall for storage.

UNDER ARTICLE 6 Bernard Lynch,Town Manager moved to withdraw this icle, due to the passage of article 5, this article is no longer ded. The Moderator asked for a voice vote, motion carried, imously.

UNDER ARTICLE 7 Bernard Lynch,Town Manager moved that the Town to amend article 6 of the 1990 Annual Town Meeting by transferring appropriating the sum of $6,000 from line item #21 Community vices Salaries to Community Services Expenses line item #22.

Bernard Lynch explained that the Recreation Department had set up volving account in order to be self supporting. They thought that could use this account to cover expenses. This cannot be done.

must have separate accounts. The salary account had an overage of ,00. in it. This article would allow the money to be transferred the salary account and used as a expense account. The Finance ittee recommended the article. D. Lorraine Lambert wanted to amend article to be increased by an additional $65,000. in order to ease the Library salaries account. Town Counsel James Harrington, d the motion out of order. The article can only address the $6,000 re. He then explained the procedure she should follow in order to an article on the October meeting. The Moderator asked for a voice on the article, motion carried, unanimously.

UNDER ARTICLE 8 Jeffrey Stallard moved that the Town vote to amend cle 6 of the 1990 Annual Town Meeting by transferring and opriating the sum of $18,700. from the General Government Line Item penses, to Community Services (Human Service) line Item 17 Salary.

Jeffrey Stallard explained the article. This is to restore two f positions at the Senior Center. The Clerk's position had been ced from 37 1/2 hours to 20 hours and the Activity Coordinator had reduced from 20 hours to 0 hours. He felt that these positions needed. The Finance Committee questioned the wording of the on. Town Counsel explained that the wording on the original petition not correct. He and Jeffrey Stallard rewrote the motion in order to it comply and be in order so a vote could be allowed. The Board of ctmen did not recommend the article. Town Manager explained that he this article should come before the Town Meeting Body for a vote. is why he wanted Town Counsel to work with Jeffrey Stallard on the ling. He felt like at this past June budget discussions, he supports intention, but unfortunately cuts do have to be made and this is one he areas. He did not support the motion. Jeffrey Stallard asked for port of the article. John Coppinger explained that he respected frey Stallard's motion. However, he agrees with Bernard Lynch that have to be made, because next year the situation will be a lot t. He asked Bernard Lynch what the shortfall will be for next year. ard Lynch said so far he estimated approximately 1 to 1.5 million. l aid will be a factor and this is without trash in the budget. The rator asked for a voice vote, this left the Chair in doubt, he asked a show of hands, motion defeated.

The Moderator announced that the next scheduled meeting will be annual on October 1st. Seeing there was no further business at hand djourned the meeting. The Meeting adjourned at 11:20 PM.

is E. McHugh,
rator

Mary E. St.Hilaire,
Town Clerk

TOWN WARRANT FOR STATE PRIMARY ELECTION

SEPTEMBER 18, 1990

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

To the Constable of the Town of Chelmsford:

GREETING:

In the name of the Commonwealth you are hereby required to notify and warn the Inhabitants of said Town who are qualified to vote in Primaries to vote at:

Precinct 1: Town Offices Gymnasium, 50 Billerica Road
Precinct 2: Harrington School Gymnasium, 120 Richardson Road
Precinct 3: Harrington School Gymnasium, 120 Richardson Road
Precinct 4: Westlands School Cafeteria, 170 Dalton Road
Precinct 5: Byam School Cafetorium, 25 Maple Road
Precinct 6: Westlands School Cafeteria, 170 Dalton Road
Precinct 7: McCarthy Middle School Small Gymnasium, 250 North Road
Precinct 8: McCarthy Middle School Small Gymnasium, 250 North Road
Precinct 9: Town Offices Gymnasium, 50 Billerica Road

On Tuesday the eighteenth day of September, 1990, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Primary for the candidates of political parties for the following offices:

U.S. SENATOR	FOR THE COMMONWEALTH
GOVERNOR	" " "
LT. GOVERNOR	" " "
ATTORNEY GENERAL	" " "
SECRETARY	" " "
TREASURER	" " "
AUDITOR	" " "
REPRESENTATIVE IN CONGRESS	FIFTH CONGRESSIONAL DISTRICT
COUNCILLOR	THIRD COUNCILLOR DISTRICT
SENATOR IN GENERAL COURT	FIFTH MDSX. SENATORIAL DISTRICT
REPRESENTATIVE IN GENERAL COURSE	SIXTEENTH MDSX. REPRESENTATIVE DISTRICT
DISTRICT ATTORNEY	NORTHERN DISTRICT
REGISTER OF PROBATE	MIDDLESEX COUNTY
COUNTY TREASURER	MIDDLESEX COUNTY
COUNTY COMMISSIONER	MIDDLESEX COUNTY

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said election.

f fail not and make return of this warrant with your doings thereon
e time and place of said election.
under our hands this 7th day of September , A.D. 1990.

BOARD OF SELECTMEN OF TOWN OF CHELMSFORD

Bonita A. Towle, Chairman

Dennis J. Ready, Vice Chairman

Henrick R. Johnson, Jr, Clerk

Bradford O. Emerson

Roger A. Blomgren

COMMONWEALTH OF MASSACHUSETTS

L SEX, SS 9-7-90

unt to the within warrant, I have notified and warned the
btants of the Town of Chelmsford by posting up attested
e of same at the following places, to wit:
ffice Building Gym, Harrington School Gymnasium, Harrington
o Gymnasium, Westland School Cafeteria, Byam School
trium, Westland School Cafeteria, McCarthy Middle School
l Gymnasium, McCarthy Middle School Small Gymnasium, and Town
c Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence,
Constable

u(Copy Attest, William E. Spence
William E. Spence, Constable

DEMOCRATIC PRIMARY CON'T

	Pct 1	Pct 2	Pct 3	Pct 4	Pct 5	Pct 6	Pct 7	Pct 8	Pct 9	TOTAL
REPRESENTATIVE IN CONGRESS 5th Dist										
Chester G. Atkins	368	343	363	386	383	396	370	388	361	3358
All Others	0	0	0	0	0	0	0	0	1	1
Blanks	225	208	234	239	221	259	223	217	190	2016
TOTAL	593	551	597	625	604	655	593	605	552	5375
COUNCILLOR 3rd Dist										
Robert B. Kennedy	343	308	328	392	330	382	323	359	303	3068
Edward F. Flood	145	126	168	130	148	167	136	126	144	1290
Blanks	105	117	101	103	126	106	134	120	105	1017
TOTAL	593	551	597	625	604	655	593	605	552	5375
SENATOR IN GENERAL CT. 5th Mldsx										
Bryan P. McCarthy	349	336	340	402	352	370	319	377	305	3150
All Others	0	0	0	0	0	0	0	0	1	1
Blanks	244	215	257	223	252	285	274	228	246	2224
TOTAL	593	551	597	625	604	655	593	605	552	5375
REPRESENTATIVE IN GENERAL CT. 16th Mldsx										
All Others	0	0	1	0	0	1	1	0	5	8
Blanks	593	551	596	625	604	654	592	605	547	5367
TOTAL	593	551	597	625	604	655	593	605	552	5375
DISTRICT ATTORNEY Northern Dist										
Joseph K. Mackey	142	151	137	161	151	143	137	143	153	1318
Thomas F. Reilly	280	251	302	302	243	341	277	277	227	2500
George W. Spartichino	98	94	76	94	119	87	98	96	91	853
All Others	0	0	0	0	0	0	0	0	1	1
Blanks	73	55	82	68	91	84	81	89	80	703
TOTAL	593	551	597	625	604	655	593	605	552	5375
REGISTER OF PROBATE Mldsx Cty										
Thomas J. Larkin	291	279	318	314	290	329	296	311	274	2702
Joseph L. Bradley	170	152	153	180	170	196	153	148	148	1470
Blanks	132	120	126	131	144	130	144	146	130	1203
TOTAL	593	551	597	625	604	655	593	605	552	5375
TREASURER Mldsx Cty										
James G. Fahey Jr	202	192	216	243	205	237	194	199	165	1853
Kevin J. Palmer	120	118	112	110	120	122	102	126	125	1055

DEMOCRATIC PRIMARY
September 18,1990

	Pct 1	Pct 2	Pct 3	Pct 4	Pct 5	Pct 6	Pct 7	Pct 8	Pct 9	TOTAL
US SENATOR										
John F. Kerry	393	384	379	438	405	425	375	417	365	3581
All Others	0	0	0	0	0	0	0	0	1	1
Blanks	200	167	218	187	199	230	218	188	186	1793
TOTAL	593	551	597	625	604	655	593	605	552	5375
GOVERNOR										
Francis X. Bellotti	179	192	178	189	198	195	184	193	164	1672
Evelyn F. Murphy	16	15	11	17	12	12	15	12	17	128
John Silber	381	327	395	400	383	433	382	390	351	3442
All Others	0	0	0	2	0	0	1	0	0	3
Blanks	17	17	13	17	11	15	11	10	20	131
TOTAL	593	551	597	625	604	655	593	605	552	5375
LT. GOVERNOR										
Marjorie O'Neill Clapprood	258	239	240	248	264	266	258	269	241	2283
William B. Golden	147	148	140	184	138	176	138	148	129	1348
Nicholas A. Paleologos	129	89	147	130	140	148	118	118	128	1147
Blanks	59	75	70	63	62	65	79	70	54	597
TOTAL	593	551	597	625	604	655	593	605	552	5375
ATTORNEY GENERAL										
James M. Shannon	227	233	220	262	239	236	213	261	209	2100
L. Scott Harshbarger	347	295	357	342	343	402	357	322	323	3088
Blanks	19	23	20	21	22	17	23	22	20	187
TOTAL	593	551	597	625	604	655	593	605	552	5375
SECRETARY										
Michael J. Connolly	352	347	349	405	357	410	347	366	326	3259
All Others	0	0	0	0	0	0	0	0	1	1
Blanks	241	204	248	220	247	245	246	239	225	2115
TOTAL	593	551	597	625	604	655	593	605	552	5375
TREASURER										
William Francis Galvin	265	262	242	280	273	310	272	270	233	2407
George Keverian	133	99	144	155	128	143	128	152	127	1209
Dick Kraus	128	107	138	115	128	123	131	100	126	1096
All Others	0	0	0	0	0	0	0	0	1	1
Blanks	67	83	73	75	75	79	62	83	65	662
TOTAL	593	551	597	625	604	655	593	605	552	5375
A. Joseph DeNucci	329	329	339	385	341	395	329	353	317	3117

DEMOCRATIC PRIMARY CON't

	Pct 1	Pct 2	Pct 3	Pct 4	Pct 5	Pct 6	Pct 7	Pct 8	Pct 9	TOTAL
COUNTY COMMISSIONER Mldsx										
Bill Schmidt	73	86	105	111	93	108	96	90	92	854
Barbara J. Auger Collins	118	93	114	118	107	126	112	121	125	1034
William J. Eckland	59	53	58	62	78	59	61	61	48	539
Francis X. Flaherty	128	118	106	118	106	144	88	107	92	1007
William S. McFarland	51	46	44	60	51	52	49	56	38	447
Blanks	164	155	170	156	169	166	187	170	157	1494
TOTAL	593	551	597	625	604	655	593	605	552	5375

REPUBLICAN PRIMARY ELECTION
September 18, 1990

	Pct 1	Pct 2	Pct 3	Pct 4	Pct 5	Pct 6	Pct 7	Pct 8	Pct 9	TOTAL
US SENATOR										
Daniel W. Daly	133	139	139	134	152	167	143	120	149	1276
Jim Rappaport	320	333	306	270	409	320	411	317	343	3029
Blanks	49	53	49	41	74	49	73	35	46	469
TOTAL	502	525	494	445	635	536	627	472	538	4774
GOVERNOR										
Steven D. Pierce	159	181	151	187	208	152	184	149	155	1526
William F. Weld	335	337	341	253	422	371	439	321	377	3196
All Others	0	0	0	0	0	0	1	0	1	2
Blanks	8	7	2	5	5	13	3	2	5	50
TOTAL	502	525	494	445	635	536	627	472	538	4774
LT. GOVERNOR										
Argeo Paul Cellucci	310	305	293	241	389	342	366	279	313	2838
Peter G. Torkildsen	142	177	147	155	186	138	199	150	173	1467
All Others	0	0	0	0	0	0	0	1	0	1
Blanks	50	43	54	49	60	56	62	42	52	468
TOTAL	502	525	494	445	635	536	627	472	538	4774
ATTORNEY GENERAL										
Guy A. Carbone	153	187	196	156	182	158	216	175	168	1591
William C. Sawyer	291	262	229	229	365	300	312	240	302	2530
All Others	0	0	0	0	0	1	0	0	0	1
Blanks	58	76	69	60	88	77	99	57	68	652
TOTAL	502	525	494	445	635	536	627	472	538	4774
SECRETARY										
Paul McCarthy	306	335	311	289	379	365	371	282	350	2988
Blanks	196	190	183	156	256	171	256	190	188	1786
TOTAL	502	525	494	445	635	536	627	472	538	4774
TREASURER										
Joseph D. Malone	362	380	355	325	436	410	426	315	413	3422
Blanks	140	145	139	120	199	126	201	157	125	1352
TOTAL	502	525	494	445	635	536	627	472	538	4774
AUDITOR										
Douglas I. Murray	288	321	290	266	365	348	340	272	329	2839

REPUBLICAN PRIMARY CON'T

	Pct 1	Pct 2	Pct 3	Pct 4	Pct 5	Pct 6	Pct 7	Pct 8	Pct 9	TOTAL
REPRESENTATIVE IN CONGRESS 5th Dist										
Donal T. Coleman	148	147	113	127	130	140	139	126	136	1206
John F. MacGovern	218	236	245	214	324	272	298	213	281	2301
Blanks	136	142	136	104	181	124	190	133	121	1267
TOTAL	502	525	494	445	635	536	627	472	538	4774
COUNCILLOR 3rd Dist										
Thomas F. Healy	291	321	292	268	367	348	351	269	329	2836
Blanks	211	204	202	177	268	188	276	203	209	1938
TOTAL	502	525	494	445	635	536	627	472	538	4774
SENATOR IN GENERAL CT. 5th Mldsx										
Lucile "Cile" Hicks	335	337	349	320	429	396	435	303	392	3296
Blanks	167	188	145	125	206	140	192	169	146	1478
TOTAL	502	525	494	445	635	536	627	472	538	4774
REPRESENTATIVE IN GNERAL CT. 16th Mldsx										
Carol C. Cleven	323	341	3 5	285	429	403	444	317	344	3241
Nicholas Theochares	162	155	126	146	184	114	163	137	186	1373
Blanks	17	29	13	14	22	19	20	18	8	160
TOTAL	502	525	494	445	635	536	627	472	538	4774
DISTRICT ATTORNEY Northern Dist										
All Others	2	1	0	0	4	0	2	1	2	12
Blanks	500	524	494	445	631	536	625	471	536	4762
TOTAL	502	525	494	445	635	536	627	472	538	4774
REGISTER OF PROBATE Mldsx Cty										
Donna M. Lambert	315	349	318	297	405	366	381	286	333	3050
Blanks	187	176	176	148	230	170	246	186	205	1724
TOTAL	502	525	494	445	635	536	627	472	538	4774
TREASURER Mldsx Cty										
Walter Fish	311	340	308	283	389	358	370	275	317	2951
Blanks	191	185	186	162	246	178	257	197	221	1823
TOTAL	502	525	494	445	635	536	627	472	538	4774
COUNTY COMMISSIONER Mldsx Cty										
All Others	2	0	0	1	0	0	1	2	0	6
Blanks	500	525	494	444	635	536	626	470	538	4768

WARRANT FOR THE ANNUAL TOWN MEETING
OCTOBER 1, 1990

LESEX, SS.

To the Constable or any other suitable person of the Town of msford:

In the name of the Commonwealth, aforesaid you are hereby ested to notify and warn the Town Meeting members of said msford to meet in the McCarthy Junior High School Auditorium onday evening, the first day of October, 1990 at 7:30 p.m., and there to act upon the following Articles:

CLE 1. To hear reports of the Town Officers and Committees; ct in relation thereto.

Board of Selectmen

CLE 2. To see if the Town will vote to decrease the sum of y to be raised and appropriated to defray Town charges for fiscal period from July 1, 1990 to June 30, 1991 by the sum 1,212,897.00 by decresasing the following line items of the al 1991 Budget:

ACCOUNT	DECREASE
General Government	
Salary	4,500.00
Expenses	281,000.00
Chelmsford School Dept.	
Total Budget	506,000.00
Public Safety	
Salary	260,000.00
Expenses	2,000.00
Public Works	
Salary	20,252.00
Expenses	54,825.00
Out of State	1,500.00
Snow and Ice	20,000.00
Community Services (Human Services)	
Salary	11,500.00
Expenses	13,325.00

	Community Services (Cult. and Recreation)	
	Salary	6,459.00
	Books and Periodicals	24,738.00
	Cemetery Department	
	Salary	3,418.00
	Expenses	2,950.00
	Total	1,212,897.00

r act in relation thereto.

Town Manager

RTICLE 3. To see if the Town will vote to instruct the Board of ssessors to issue the sum of $478,010.00 from Free Cash in the asury for the reduction of the fiscal year 1991 tax rate; or in relation thereto.

Town Manager

RTICLE 4. To see if the Town will vote to amend its action aken under Article 8 of the June 4, 1990 Annual Town Meeting by educing the sum of money to be raised and appropriated by 2,810 and by increasing the sum of money to be borrowed by 2,810 for a total sum to be borrowed $1,311,955; or act in elation thereto.

Town Manager

RTICLE 5. To see if the Town will vote to rescind the balance f the authorized but unissued debt under Article 10 of the 1989 nnual Town Meeting in the amount of $150,000.00; or act in elation thereto.

Treasurer

RTICLE 6. To see if the Town will vote to amend the Chelmsford oning By-Law Section 2600 INTENSITY of USE SCHEDULE, by deleting 15' under Maximum Building Coverage Percent in the CA District NEIGHBORHOOD COMMERCIAL) and inserting "30"; or act in relation hereto.

Planning Board

RTICLE 7. To see if the Town will vote to amend the Zoning y-Law and Zoning Map to change from Public District (P) to esidential A District (RA) the following described parcels:

Parcel I. A certain parcel of land located at 1-3 North oad on the easterly side of said North Road containing 10,786 quare feet of land more or less and being shown on Assessors Map 04 as Lot 40 and being bounded and described as follows:

Beginning at the southwesterly corner of said
ises on the easterly side of said Road and at the
hwesterly corner of land of the Town of Chelmsford; thence
erly by said Town land, one hundred forty-five feet to a
er; thence Northerly still by said Town land and by land
osed to belong, now or formerly, to Theodore W. Emerson,
y-seven feet to land conveyed by Mary Elizabeth Richardson to
ie Richardson Davis by deed dated October 30, 1907, recorded
Middlesex North District Registry of Deeds, Book 441, Page
thence Westerly by said last mentioned land, one hundred
y-two and 70/100 feet to said North Road; thence Southerly
g said Road, eighty feet to the point of beginning; or
ver otherwise said premises may be measured, bounded or
ribed.

Parcel II. A certain parcel of land located at 5 North Road
he easterly side of said North Road containing 9,853 square
more or less and being shown on Assessors Map 104, Lot 39
being bounded and described as follows:

BEGINNING at the Northwesterly corner of the granted
ises at said road and at land belonging to the Town of
msford, known as the "Schoolhouse Lot;" thence running:

EASTERLY	along said last named land one hundred thirty-eight and 67/100 (138.67) feet to land now or formerly of James P. Emerson; thence running
SOUTHERLY	along said last named land, seventy and 16/100 (70.16) feet to land now or formerly of Mary Elizabeth Richardson; thence running
WESTERLY	along said last named land, one hundred forty-two and 70/100 (142.70) feet to said road; thence running
NORTHERLY	along said road, seventy (70) feet to the point of beginning

act in relation thereto.

Planning Board

TCLE 8. To see if the Town will vote to amend the General
-aw by deleting Article VI Police Regulations Section 16
licitors and inserting in its place the following:

Section 16 Licensing of Solicitors

1. It shall be unlawful for any person to solicit orders,
ubscription for goods or services, or to sell goods or

rices door to door, in the Town without first having
gstered with the Police Department. The registrant shall
ovide proof of identification, his signature, the name of his
ployer, the type of products or services which he or she is
liciting, and such other information as may be requested by the
lice Department. Each person soliciting in the Town on behalf
corporation, business, or other organization shall be
quired to register with the Police Department.

2. Each person shall pay to the Police Department at the
me of registration an annual registration fee of twenty-five
llars.

3. a) Each person who pays the fee provided herein
all be furnished a permit indicating that he or she has
gistered and showing the dates covered by such registration.

b) Each person shall at all times while soliciting
the Town carry upon his person the registration permit and the
me shall be exhibited by such person whenever required to do so
ny police officer or by any person solicited.

c) In addition to the permit, the Town shall issue
dentification badge to every person registered hereunder.
rittees shall wear their badges in such a manner that the
des may be easily read while transacting business. If a badge
comes damaged or obscured, the permittee shall return it to the
w and receive another badge. Badges issued hereunder shall
nspicuously state that the Town of Chelmsford does not endorse
e goods or services being solicited.

d) Permits and identification badges shall be used
l by the person to whom they were issued, and may not be
asferred or extended to include any other person.

4. There shall be no door to door solicitation or selling
fre 9 o'clock in the forenoon and 6 o'clock in the afternoon.

5. Any permit issued under this ordinance may be suspended
evoked by the Chief of Police for any of the following
asons:

a) Fraud or misrepresentation in the application of
e permit;

b) Fraud or misrepresentation in the course of
liciting;

c) Conducting the business of soliciting contrary to
e conditions specified in this by-law.

d) Conducting the business of soliciting in such
er as to violate any of the laws or regulations of the
onwealth of Massachusetts or the Town of Chelmsford.

6. Any person who violates any provision of this bylaw shall
nished by a fine not exceeding $200.00.

act in relation thereto.

Board of Selectmen
Chief of Police

TICLE 9. To see if the Town will vote to authorize the
intment of a multiple member Rules Committee consisting of
moderator and one town meeting representative from each
inct to be elected by the incumbent Town Meeting
esentatives within each precinct, for the purpose of
osing rules of order for the orderly conduct of town
ing. The committee shall submit their proposal no later than
next October session of the Annual Town Meeting; or act in
tion thereto.

By-Law Committee

TICLE 10. To see if the Town will vote to form a Committee of
Meeting representatives as provided under Section 2-12 (d)
he Town Charter. This Committee would consist of one Town
ing Representative from each precinct. The purpose of this
ittee would be to study rules and guidelines for Town Meeting
esentatives. This Committee will expire upon presentation of
recommendation to town meeting prior to June 30, 1991; or
in relation thereto.

Petition

TICLE 11. To see if the Town will vote to amend the General
aws Article VII Miscellaneous, Section 1 Dog Regulations
ection 5 by increasing fees as follows:

The fee for every kennel licenses shall be as follows:

Forty Dollars ($40.00) for every kennel license for 4 dogs
ess

Eighty Dollars ($80.00) for every kennel license for over 4
but not over 10 dogs

One hundred fifty Dollars ($150.00) for every kennel license
over 10 dogs but not over 25 dogs.

act in relation thereto.

Town Clerk

ICLE 12. To see if the Town will vote to transfer a certain of money from the Insurance Sinking Fund, to General rnment Expenses, Line Item #2, for the purpose of insurance uctible reimbursement; or act in relation thereto.

Town Manager

ICLE 13. To see if the Town will vote to authorize the Board Selectmen to convey in accordance with MGL Chapter 30B, for sideration to be determined, all right, title and interest, if held by the Town in a certain parcel of land located on man Street, shown as Lot 14 on Assessors Map 19, containing 0 square feet more or less and more fully described in a deed corded in the Middlesex North District Registry of Deeds in k 2866, Page 71; or act in relation thereto.

Board of Selectmen

ICLE 14. To see if the Town will vote to amend the General laws by adding Article XIII, Code of Ethics as follows:

ARTICLE XIII CODE OF ETHICS

A. WHO THE BY-LAW GOVERNS

This By-Law governs all municipal employees. A municipal loyee is a person performing services for or holding an ice, position, employment or membership in a municipal agency, ther by election, appointment, contract of hire or engagement, ther serving with or without compensation, on a full, regular, t-time, intermittent, or consulting basis, but excluding (1) cted members of a Town Meeting and (2) members of a charter mission established under Article LXXXIX (89() of the ndments to the Constitution.

B. PURPOSE

The purpose of this By-Law is to ensure that municipal loyees' private financial interests and personal relationships not conflict with their public obligation to act objectively with integrity. This By-Law is written to prevent municipal loyees from becoming involved in a situation which could lt in or give the appearance of unethical or illegal avior. This By-Law restricts what municipal employees may do the job, after hours and after leaving public service.

It is essential for the continued well-being of the Town of lmsford that its citizens have full confidence in the egrity of its municipal employees. The Town of Chelmsford ies to promote such confidence by demanding the highest ndards of ethical conduct for each municipal employee. It is uired that municipal employees conduct themselves in a way

a their behavior, both in practice and appearance, conform to e highest standards of ethical conduct. The Town of Chelmsford c gnizes the Massachusetts Conflict of Interest Law (Chapter 8 of the General Laws) as the basis for setting the minimum a dard of ethical conduct for all municipal employees. It is n idered an integral component of this By-Law and should read ts entirety.

C. WHAT THE BY-LAW PROHIBITS

This By-Law provides that municipal employees for the Town nelmsford will "pay their own way". Municipal employees must o d conduct which creates the impression that they will act t bias.

1. Municipal employees shall not engage in the most v ous kind of corruption: bribery. Massachusetts law imposes i inal penalties, not only on municipal employees who seek or c ive payoffs or kickbacks, but also on anyone who bribes or t mpts to bribe a public official for any action or inaction.

2. Municipal employees shall not request, accept or f r anything of "substantial value" from or to anyone with whom e municipal employee has had or is likely to have official a ings even if the motivation for the gift is to express a itude for a job well done or to foster goodwill. The Town of e msford deems "substantial value" to be $50.00 or more in any l ndar year. Substantial value includes but is not limited to d tional compensation, waived fees, sporting event tickets, l outings, parties, meals, discounts, gift certificates, t rtainment, and refreshments at testimonials, retirement n tions and ground breaking and dedication ceremonies. Free or s ounted services such as construction or accounting work are n idered gifts. The purchase of property at less than full r et value, from any entity having matters before any town a d or Agency is strictly prohibited.

3. Municipal employees shall not solicit contributions, l tickets or otherwise seek or accept payment for a s imonial or retirement function, or any function having a m lar purpose, held for themselves, for a member of their m diate family, or other employee, if the contributor is a r on or entity doing business with the Town of Chelmsford and e admission price or payment exceeds the actual per-person cost he food and beverages served at the function. Municipal p oyees shall not request or require any person or entity to o sor or contribute to any groundbreaking ceremony, dedication r mony or similar occasion. The Town of Chelmsford, if it e s the occasion appropriate, shall plan and pay for the r mony.

4. Municipal employees shall not accept reimbursement r travel expenses from any person or entity having business

t or wishing to do business with the Town of Chelmsford. n cipal employees shall not utilize private aircraft for a el, whether business or pleasure, that is owned, leased or n ed by entities doing business with or wishing to do business t the Town of Chelmsford. Travel expenses for municipal p oyees for municipal business shall be paid by the Town.

5. Municipal employees shall not use the non-business c ities of entities having financial contracts with or wishing ave financial contracts with the Town of Chelmsford. This c udes but is not limited to, staying at vacation spots, d es, or condominiums.

6. Municipal employees are prohibited from taking action ny "particular matter" as defined in Chapter 268A of the n al Laws which would affect their own financial interest or e financial interest of:

a. their immediate family (themselves, their spouse, children, parents, brothers and sisters);

b. their partner (s);

c. a business organization in which they serve as an officer, director, trustee, partner, silent partner, or employee (including a non-profit organization); and

d. any person or organization with whom they are negotiating or have any arrangement concerning future employment.

An exception is available to appointed municipal employees o ay act on a matter in which they, their family or business s a financial stake, providing that they receive written r ission from their appointing official prior to taking the t on.

7. Municipal employees shall not participate in any way he hiring, promotion, performance review or salary c mmendation of any immediate family member. An exception is a lable to appointed municipal employees who may act on a d et affecting an immediate family member's financial interest o ided that they receive written permission from their p nting official prior to taking the action.

8. Municipal employees shall not use their position to n fit from municipal contracts and must avoid conduct which e es the public perception that municipal employees have an n de track" on obtaining municipal contracts or jobs.

9. Municipal employees shall not use or attempt to use e municipal position to obtain unwarranted privileges for e selves or anyone else. Municipal employees shall avoid

uct which creates the impression that they can be improperly uenced or that they will act with bias. Municipal employees prohibited from misusing confidential information obtained on job and from accepting outside employment which is inherently mpatible with their public position.

10. Municipal employees shall not act as agent or rney for a private party before the Town. There are ptions which are covered under Chapter 268A of the General , Section 17.

11. Former municipal employees shall not derive unfair ntage by misusing friendships formed or confidential rmation obtained while serving the Town.

12. Municipal employees shall not use Town property of kind, either directly or indirectly, for other than cially sanctioned activities, except to the extent that said erty is available to the public.

D. RESPONSIBILITIES OF APPOINTING AUTHORITY:

Appointing authorities shall appoint only those persons who ot have vested interests in any matter coming before that ons' appointed body which would violate or give the arance of violating the provisions of this By-Law.

The Town Manager and the Superintendent of Schools shall ly develop a program to annually inform and educate all cipal employees of the required standards of conduct. The Manager and the Superintendent of Schools shall develop a ram to inform and educate all incoming municipal employees of standards of conduct. They shall include in their program, minimum, a procedure that will produce for the Town's rds a signed document from each municipal employee indicating each individual has read this By-Law and is familiar with requirements of Chapter 268A of the Massachusetts General s.

The Town Manager shall place the State Ethics Commission lication entitled "A Practical Guide to the Conflict of rest Law for Municipal Employees" conspicuously in the Town ger's and Town Clerk's office and shall provide copies for ement in all public buildings for the benefit of all cipal employees and the public.

All citizens and municipal employees shall regularly be made e that if they believe a violation of this By-Law has rred or is occurring, they should call or visit the State cs Commission's enforcement staff, or they may speak with the Manager or the Superintendent of Schools.

The Town Manager and the Superintendent of Schools shall
t to the State Ethics Commission any suspected violations of
State Conflict of Interest Law. The Town Manager and the
intendent of Schools shall report annually to their
ctive Boards the educational initiatives they have taken to
y with this By-Law. They shall also report the status of
ed violations brought to their attention which report shall
be statistical in nature.

When a violation of this By-Law has occurred, administrative
n as is warranted shall be taken by the appropriate
rity.

If any provisions of this By-Law shall be held to be
id, the validity of the remainder of this By-Law shall not
fected thereby.

ct in relation thereto

Ethics Committee

LE 15. To see if the Town will vote to amend the General
w Article XI General Wetlands By-Laws as follows:

1. Deleting the first paragraph of Section 6 Order of
tions in its entirety and insert in its place the following:

Section 6: Order of Conditions

If after said hearing, the Conservation Commission determines that the land on which the proposed work is to be done is significant to the interests protected by this Bylaw, it shall by written order, within 21 days or such furtner time as the Commission and applicant shall agree upon, impose such conditions reasonably necessary for the protection of interests described herein and all work shall be done in accordance therewith. The Conservation Commission may impose such conditions on any proposed removing, dredging, filling or altering as it deems necessary to protect and preserve the interests covered by this Bylaw. Such Order of Conditions shall be in writing and may be subject to the same constraints as any such order issued by the Chelmsford Conservation Commission under the provisions of G.L. 131, Section 40, or successor statutes, and shall be issued within 21 days after the Public Hearing. Such Order of Conditions shall expire 3 years from the date of issuance. The Conservation Commission may extend an Order of Conditions for one or more periods of up to three years each. The request for an extension shall be made to the Conservation Commission in writing at least thirty (30) days prior to expiration of the Order of Conditions. The Commission may deny the request for an extension and require the filing of a

new Notice of Intent for the remaining work. No proposed work governed by an Order of Conditions shall be undertaken until all permits, approvals, and variances required by the local Bylaw have been obtained and all applicable appeal periods have expired.

2. Under Section 1, Application, by adding the following ence:

Provided however that the construction of any building as defined herein, shall be prohibited within fifty (50) feet of any bank, fresh water wetland, beach, flat, marsh, meadow, bog, swamp, or lands bordering or on any estuary, creek, river, stream, or lake or any land under said waters or any land subject to flooding or inundation or within fifty (50) feet of the 100 year storm line.

3. Under Section 16 Definitions by inserting after raph e) the following paragraph:

f) The term building as used in this By-Law shall mean a structure enclosed within exterior walls or firewalls, built, erected, and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property. For the purpose of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

4. Under Section 1 Applications by adding the following raph:

The Commission shall be prohibited from issuing a permit for any parcel where at least eighty (80) percent of the lot area required by the Zoning By-Law Section 2600 Intensity of Use Schedule, Minimum Lot Requirements, is not contiguous land other than that under any water body or bog, swamp, wet meadow, marsh, or any other wetland as defined in MGL Chapter 131 Section 40;

ıct in relation thereto.

Conservation Commission

TLE 16. To see if the Town will vote to approve the following gu.ations adopted by the Board of Health, Chelmsford, ss.chusetts, in accordance with Chapter 111, Section 31, of the ne al Laws of the Commonwealth of Massachusetts, June 11, 1990 a by-law for the Town of Chelmsford:

RULES AND REGULATIONS
FOR
RESIDENTIAL REFUSE COLLECTION
LICENSING AND DISPOSAL

I AUTHORITY

In accordance with the authority vested in the Town of
lsford Board of Health, these regulations are hereby
alisned.

II DEFINITIONS

1. The Board: As used herein, "the Board" means the
lsford Board of Health, the town department responsible for
reeing the licensing and regulation of residential refuse
lction.

2. Licensed Refuse Collector: Shall mean those persons
mpanies who have applied for and obtained the appropriate
se(s) to collect refuse within the corporate limits of
lsford, Massachusetts.

3. Residential Households: Shall mean all inhabited
lings up to and including three (3) family dwellings.

4. Acceptable Waste: Means all household garbage,
, rubbish, refuse and combustible agricultural waste
ily generated and disposed of by or on behalf of the Town,
xcluding (a) explosive and ordinance materials, oil,
es, highly flammable substances, cesspool or other human
s, human and animal remains, motor vehicles, farm or other
machinery, nonburnable construction materials and
lition debris and hazardous refuse of any type or kind, such
leaning fluids, crankcase oils, cutting oils, paints, acids,
ics, poisons, drugs, radioactive materials, fine powdery
used to filter cleaning fluid and refuse of similar nature,
ny item or waste exceeding six feet in any one of its
sions or being in whole or in part of a solid mass, the
mass portion of which has dimensions such that a sphere
a diameter of eight inches could be contained within such
mass portion, and (c) all other items of waste which would
kely to pose a threat to health or safety, or the acceptance
disposal of which may cause damage to waste disposal
ities, or be in violation of any judicial decision, order or
n of any federal, state or local governmental or any agency
of, or any other regulatory or applicable law or
ations.

5. Residential Acceptable Waste: Shall mean that
able waste generated within the Town of Chelmsford as is
cted on behalf of the Town or disposed of by its residents,
ource of which are residential households or municipal
ngs located in the Town.

6. Tipping Fee: Means the cost per ton for disposing of ities of Residential Acceptable Waste at waste disposal ities.

7. Ton: Shall mean a "short ton" of 2,000 pounds.

8. Refuse Collection Venicle: Shall mean all vehicles for deliveries of residential acceptable waste to the solid disposal facility, which must be in safe, clean, condition n good repair.

9. Recyclable Materials: Those materials placed in a msford Recycles" blue or maroon recycling bin or other iner designated for recycling purposes, which shall include ot be limited to: clear glass, brown glass, green glass, ans, aluminum cans, HDPE plastics (milk, water, juice and es detergent bottles), PET plastics (soda bottles) and apers in paper bags. Refuse haulers shall not collect lable materials unless they are contracted by the Town of sford to do so.

10. Trash Container: Any container used for containing at the curb for pickup, for example, metal or plastic trash cardboard boxes, etc.

ICENSING

1. Collection and Removal of Refuse Persons and nies engaged in the collection of solid waste shall collect hold rubbish, paper, cardboard cartons, garbage, and other materials from residential households in the Town of sford and shall remove said rubbish, paper, cardboard ns, garbage and other waste materials to a location or ity outside the limits of the Town of Chelmsford in dance with these rules and regulations as well as all other cable laws and regulations.

2. License All refuse companies will be required to n a license from the Town of Chelmsford Board of Health to commencing with the collection of solid waste. The fee he refuse collector shall be $50.00 per category annually enewable January 1st each year.

3. Application and Renewal At the time of the initial cation and subsequent renewals, the refuse collection ny shall submit to the Board the following information:

a. A list of references including but not limited to large commercial customers and municipal buildings.

b. The names of at least three towns where residential trash is or has been collected from.

c. A description of the collection vehicle(s) to be used, and proof of registration and insurance for each separate vehicle.

d. A description of the method of collecting payment from customers, and samples of any stickers used and the contract signed by residents.

e. A map of the town indicating proposed routes and proposed collection schedule.

f. The name of the waste disposal site(s) to which Chelmsford's refuse will be taken, the amount of disposal capacity available to the Refuse Collector at each site, and the tipping fee at each site. The Refuse Collector will supply documentation that all disposal sites meet all federal, state and local regulations.

g. Upon request, Refuse Collectors shall produce documentary proof that they are entitled to dispose of trash in a licensed waste disposal site.

4. Bond Prior to the issuance of a license, the Refuse ector will post with the Town a bond for faithful performance e amount of $10,000.00 issued by a company licensed to do ness in the Commonwealth of Massachusetts.

5. Insurance The Refuse Collector shall furnish the w with certificates from an insurance company licensed to do ness in the Commonwealth of Massachusetts. The Licensee l maintain during the period of licensing the following ance in companies and forms acceptable to the Town and in ate amounts, as shall protect him performing work covered e the license and the Town and its employees, agents and ials from all claims and liability for damages for bodily y, including accidental death, and for property damage, h may arise from operations under licensing.

The amounts of such insurance shall be for each policy, not s than:

a. Workmen's compensation: as required by the laws of Massachusetts.

b. Bodily injury liability, including death: $1,000,000 on account of any one person and $1,000,000 aggregate limit.

c. Property damage liability: $1,000,000 on account of one accident and $1,000,000 aggregate.

d. Contingent coverage for subcontractors for b and c above.

e. Automobiles and trucks, including hired vehicles: Bodily injury liability, including death: $1,000,000 on account of any one person and $1,000,000 on account of any one accident.

All policies shall be so written that the Town of Chelmsford will be notified of cancellation or restrictive amendment at least fifteen (15) days prior to the effective date of such cancellation or amendment.

6. Indemnity The Licensed Refuse Collector will take all responsibility for the work and take all precautions for preventing injuries to persons or property; shall bear all losses resulting to him on account of the amount or character of the work; shall assume the defense of, and indemnify and hold harmless the Town, its officers, agents and servants from all claims relating to labor and materials furnished to the work, the invention, patent rights used in doing the work; to injuries to any person or corporation received or sustained by or from the Licensed Refuse Collector and his employees doing the work, in consequence of any improper materials, implements, or labor used therein; and to any act, omission, or neglect of the Collector and his employees therein.

7. Federal and State Licenses The Licensee shall submit copies of all applicable Federal and State Licenses.

8. License Period The license issued will be valid for a period of not more than one year. The Licensee must submit an annual application for renewal.

EPORTS

The following reports are to be submitted to the following Town Boards as required after collection begins:

1. Collection routes and schedule A map of the town indicating routes and collection schedule shall be submitted to the Board of Health and the Board of Selectmen.

2. Tonnage Monthly reports on the tonnage of residential solid waste removed from the town of Chelmsford shall be submitted to the Board of Selectmen.

3. Customer Lists Revised residential customer lists shall be submitted to the Board of Selectmen on a quarterly basis and shall indicate any changes in the customers served. All new customers shall be

indicated as well as those customers which have terminated their agreements with the Licensed Refuse Collector.

4. Termination of Service Within 7 days of termination of service by a residential customer, the Board of Selectmen must be notified.

OPERATIONAL PROCEDURES

1. Time of Collection: Solid Waste shall be collected between the hours of 6:30 a.m. and 6:30 p.m. (prevailing time) Monday through Friday inclusive, with the exception of holidays observed by the Town of Chelmsford.

2. Holidays: Whenever a scheduled collection falls on a legal holiday, that day's collection and the remaining collections for the week, if any, shall be the following day. The holidays observed by the town are:

New Year's Day
Martin Luther King's Birthday
George Washington's Birthday
Patriot's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Christmas Day

3. Routes: Licensed Refuse Collectors shall have established routes which have been approved by the Board of Health and should take appropriate steps to operate according to the approved routes. Trash shall be collected from each street on the same day as the town-provided trash collection service.

4. Town Contracted Refuse Collectors: Any Refuse Collector who is contracted by the Town of Chelmsford to collect residential and/or municipal trash are not allowed to commingle trash collected under the Town of Chelmsford's contract with any other trash from any other source.

5. Acceptable Waste: The Licensed Refuse Collector shall collect acceptable wastes from their residential customers in Chelmsford provided that the residential acceptable waste is contained in barrels, plastic bags or tied bundles.

6. Unacceptable Waste: The Licensed Refuse Collector may refuse to collect any residential waste if there is any indication that the material is not an

acceptable waste or if it is not properly containerized. The Licensed Refuse Collector will notify his customer of the reason(s) for refusal of collecting the waste.

7. Spilled Waste: The Licensed Refuse Collector shall take reasonable care in collecting refuse. Refuse shall not be scattered about the streets or into private property. Refuse which is accidently spilled shall be immediately picked up by the collector and removed together with other wastes.

8. Stickers: Any stickers used must not appear to be similar in design, color, or general appearance to those provided by the Town.

9. Recyclables: The Licensed Refuse Collector shall not collect recyclable materials in the "Chelmsford Recyclables" recycling bin or other container designated for recycling purposes, unless they are contracted by the town of Chelmsford to do so.

10. Inspection: The Licensed Refuse Collector shall allow Board of Health agents and/or other agents of the Town to inspect his/her vehicle and any load if there is a due cause of suspicion of any violations of any applicable laws, rules or regulations.

RESIDENTIAL RESPONSIBILITIES

1. Weekly Trash Pickup: Trash must be disposed of on a weekly basis.

2. Time At Curb: Trash and recyclables must be at the curb by 6:30 a.m. but no sooner than 6:30 p.m. the day before. All trash containers must be removed from the curbside within 12 hours of collection.

3. Trash Container Size: Trash containers must be no larger than 32 gallons and weigh no more than 80 pounds total (including trash and container), and must be able to be easily picked up by one person. Bags must be no larger than 39 gallons and weigh no more than 40 pounds. Brush must be bundled.

4. Fullness of Trash Container: Trash containers must not be filled more than 3 inches above the top edge of the container.

5. Lids: All trash containers must have lids.

I VIOLATIONS OF THESE RULES AND REGULATIONS

1. Suspension of Licenses: Any refuse collection license may be suspended or revised by the Board of Health upon receipt of evidence satisfactory to the Board that the License has not conformed with the requirements of these regulations or such further regulations as may be adopted for the collection and disposal of refuse or upon recommendation of the Board of Health.

2. Residential Violations: Violations of Section VI of these regulations shall be punishable by a fine of $25.00 per violation.

II SEVERABILITY

Each of these regulations shall be construed as separate to the end that if any regulation or sentence, clause, or phrase thereof shall be held invalid for any reason, the remainder of that regulation and all other regulations shall continue in force.

Regulations adopted by the Board of Health, Chelmsford, Massachusetts, in accordance with Chapter 111, Section 31, of the General Laws of the Commonwealth of Massachusetts, June 11, 1990.

r ct in relation thereto.

Petition

TLE 19. To see if the Town will vote to transfer a certain m of money from sewer betterments, special revenue, to reduce e exempt portion of debt and interest, line item #26; or act in la ion thereto.

Sewer Commission

TLE 20. To see if the Town will vote to amend the General -Laws as follows:

1. Under Article V Streets and Sidewalks substitute "Director of Public Works" for "Highway Superintendent" in all sections of Article V.

2. Under Article VII Miscellaneous Section 1 Regulations of Dogs Subsection 6 Dog Officer by deleting the first paragraph and substituting the following:

"The Town Manager shall annually appoint a Dog Officer and as many Assistant Dog Officers as he determines necessary to enforce this By-Law and, said

individual(s) shall enforce this By-Law and perform such other duties as the Town Manager may determine. The Town Manager shall determine hours and conditions of work for the Dog Officers. Compensation for persons appointed under this By-Law shall be consistent with other By-Laws dealing with salaries of appointed officials.

3. Under Article VII Miscellaneous Section 1 Regulations of Dogs Subsection 19 Dog Fund delete "Town Accountant" and substitute "Treasurer-Collector" in all applicable places.

4. Under Article VII Miscellaneous Section 2 Tree Planting delete "Tree Warden" and substitute "Director of Public Works"

act in relation thereto.

ARTICLE 21. To see if the Town will vote to amend the
en ral By-Laws as follows:

1. Under Article II Town Meeting delete Sections 1-6
nc usive in their entirety and substitute the following:

SECTION 1 ANNUAL ELECTION - The Annual Election shall be on
he first Tuesday of April.

SECTION 2 WARRANT ARTICLES -

2.1 SUBMISSION DEADLINE - All warrant articles shall
e n the hands of the Board of Selectmen no later than a) the
ir t (1st) Monday in January for the Town Meeting to be held in
or l, and b) the first (1st) Monday in August for the Town Meeting
o e held in October. The Board of Selectmen may waive this
eq irement if deemed in the best interest of the Town or as
eq ired by statute.

2.2 PUBLICATION - The warrant articles shall be
nc uded in the Finance Committee report which shall be made
va lable to Town Meeting Members and the public not less than
yc (2) weeks before either Town Meeting.

SECTION 3 TIME OF MEETINGS - The representative Town
ec ings shall be held on the last Monday in April and on the
hi d (3rd) Monday in October in each year. The April Town
ec ing is expected to be primarily concerned with the
et mination of matters involving the expenditure and commitment
f own funds, including but not limited to the adoption of an
nu al operating budget for all Town agencies.

The Board of Selectmen may, in any manner provided under the
aw s of the Commonwealth or the Charter, for the purpose of
ct ng upon the legislative business of the Town in an orderly
nd expeditious manner, call the representative Town Meeting into
es sion at other times by the issuance of warrants therefore.

ARTICLE 4 PROCEDURES -

4.1 ORDER OF PRECEDENCE OF MOTIONS - At all sessions of
ow n Meeting, the following motions shall be recognized and shall
ha e precedence in the order in which they are arranged in this
ec ion:

ORDER OF PRECEDENCE OF MOTIONS

	Privileged	Debatable	Can be Amended	Can be Reconsidered	Vote Required
a) Adjourn (unqualified)	Yes	No	No	No	Majority
b) Adjourn at or to a Certain Time	Yes	Yes	Yes	Yes	Majority
c) Recess	Yes	No	Yes	No	Majority
d) Question of Privilege, Order of Information	Yes*	No	No	No	None
e) Take out of Order	Yes	Yes	No	No	Majority
f) Reconsider	Yes*	Yes	No	Yes	Majority
g) Lay on or Take from the Table	No	No	No	No	Majority
h) Previous Question	No	No	No	No	2/3
i) Limit or Extend Debate	No	No	Yes	Yes	2/3
j) Postpone to a Certain Time	No	Yes	Yes	No	Majority
k) Commit, Recommit or Refer	No	Yes	Yes	Yes	Majority
l) Amend	No	Yes	Once	Yes	Majority
m) Main Motion	No	Yes	Yes	Yes	Majority

* Note: the privileged motions marked by an asterik may interrupt the speaker.

The above table of motions in order of their precedence
al be printed on the inside of the front cover of the Finance
mittee report for each of the annual Town Meetings.

The following listing of common motions, classified
rding to their objectives, shall be printed on the inside of
eback cover of the Finance Committee report for the annual
w Meetings.

COMMON MOTIONS CLASSIFIED ACCORDING TO THEIR OBJECTIVES

odify or Amend	(a) Amend (b) Commit or Refer
efer Action	(a) Postpone to a certain time (b) Lay on the Table (c) Commit or Refer
uppress or Limit Debate	(a) Previous Question (to close debate now) (2/3 vote) (b) Limit Debate (2/3 vote)
uppress the Question	(a) Previous Question (2/3 vote) and Reject Question (b) Lay on the table
onsider a Question a nd Time	(a) Take from the Table (b) Reconsider

4.2 RECONSIDERATION - A motion at any adjourned
w Meeting for reconsideration or rescinding of any action taken
previous session of the adjourned Town Meeting shall not be
rtained or allowed by the Town Moderator.

4.3 AMENDMENTS - Any article appearing in the
rant and considered at any Town Meeting may be amended and any
ion thereof may be deleted or added to by a vote of the Town
eing Members provided, however, that in said notice the words
act in relation thereto" or "do anything pertaining thereto"
ords of similiar import appears at the end of said article.

An amended amendment cannot be amended and no motion or
osition of a subject different from that under consideration
al be entertained under color of an amendment.

4.4 AMENDMENT OF BY-LAWS - Town By-Laws may be
ded or rescinded by a majority vote of those present and
ng at any Town Meeting provided that the proposed action was
ished in the warrant of that Town Meeting and further,
ided that any such amendment is in compliance with the

ater.

4.5 REPORTS - When the report of a committee is ed in the hands of the Town Moderator, it shall be deemed to eceived and a vote to accept the report shall discharge the mittee unless the report is one of progress and not final; in ih case the committee continues to serve unless the Town eing Members vote to discharge same.

All reports, resolutions, motions or amendments bitted to the Town Meeting for consideration involving the nditure of money shall be presented in writing to the Town rator.

4.6 APPROPRIATIONS - No money shall be transferred Special Town Meeting except by a majority vote of those ent and voting.

All motions on articles involving bond or note issues l require a two-thirds (2/3rd's) vote of those present and ng.

4.7 APPROPRIATIONS AT SPECIAL TOWN MEETINGS - No y shall be appropriated at a Special Town Meeting except by a thirds (2/3rd's) vote of the voters present and voting.

4.8 ATTORNEYS SPEAKING - Any person who is employed n attorney by another interested in any matter under ussion at a Town Meeting shall disclose the fact of his oyment before speaking thereof.

4.9 TOWN COUNSEL - The Board of Selectmen shall re that the guidance of the Town Counsel be available both to Town Moderator and to the body at all Town Meetings whenever tical.

2. Under Article III Town Officers delete Sections 1-8 sive in their entirety and substitute the following:

SECTION 1 FINANCE COMMITTEE - The Town Moderator l. appoint a Finance Committee which shall be composed of e (7) members; each of whom shall serve for a term of not e than three (3) years from the date of appointment.

SECTION 2 PERSONNEL BOARD - There shall be a nnel Board consisting of five (5) members, four (4) of whom l. be known as public members, and shall be appointed by the r Manager. In the beginning, two (2) of these shall be nted for a term of one (1) year and two (2) shall be nted for a term of two (2) years. Thereafter, each public r shall be appointed for a term of two (2) years. Each term l. expire at the end of the appropriate fiscal year.

The fifth (5th) member, to be known as the personnel member, l. be elected by Town employees who are subject to the nnel system and whose name appears on the Town payroll list he Wednesday prior to the election or who otherwise is ified as an eligible voter. Each voter must be eighteen) years of age or over on the day of the election. The term ffice shall be for two (2) years and shall expire on July 1 ach odd numbered year. The election of the personnel member l. be secret and shall be supervised by a board of three (3) ion officers appointed by the Town Manager. The election l. be held in June to be effective in July. Special elections l. be held to fill the unexpired term of the personnel member esigned before the term has expired. All elections shall be between the hours of 10 a.m. and 3 p.m. on a weekday ted by the above mentioned board of three (3) election ers. Each permanent full time employee or part-time regular yee with a work schedule over twenty (20) or more hours per will be granted one (1) vote. All other eligible voters be granted one-half (1/2) vote each.

At the first meeting of each fiscal year at which all nnel Board Members are present, a chairman of the Personnel shall be elected by a majority vote.

All members of the Personnel Board shall be registered s of the Town of Chelmsford.

No public member of the Personnel Board shall be an employee e Town nor hold office whether appointed or elected. The nnel member of the Personnel Board shall not be an elected ial or appointed department head but may otherwise be an yee who is subject to this By-Law.

Members of the Personnel Board shall serve without
pnsation.

The Personnel Board shall meet regularly as necessary to
sder such business as may be presented by Town officials,
nemployees, or others.

At any meeting of the Personnel Board, action by a majority
tose Board members shall be binding upon the Personnel Board.
last three (3) members of the Board shall be present in order
cnstitute a legal meeting.

SECTION 3 TOWN TREASURER-COLLECTOR - The Collector of Taxes
l be the Town Collector. The Town Collector, within the time
is prescribed by law for the collection of accounts due the
n shall collect all accounts due the Town, except those set
t in Section 38A of Chapter 41 of the Massachusetts General
s as amended. The said Town Collector may settle and adjust
uch accounts upon such terms as he thinks for the best
e ests of the Town, or he may cause legal proceedings to be
nced in his name as Town Collector for the collection of any
h accounts and may employ counsel for that purpose. The costs
s id legal proceedings, including counsel fees, shall be
e ed to and paid by the Treasurer from the Collector's expense
o nt. All bills for accounts due the Town shall state that
hecks, drafts or money orders shall be made payable to or to
rder of the Town of Chelmsford.

SECTION 4 CONTRACTS BY TOWN OFFICERS - No officer or board
te Town shall make any contract on behalf of the Town in
c such officer or any member of such board is directly or
i ectly financially interested, except by competitive
t acts.

SECTION 5 AGENTS FOR SUITS - The Board of Selectmen are
h rized to act as agents of the Town in any suit or suits
c may arise with authority to settle and adjust claims or
a ds for or against the Town; and to employ counsel whenever
t eir judgment it is necessary.

SECTION 6 REVOCATION OF APPOINTMENT - Whenever an
c.ntment to an uncompensated Town office is revoked, the
c.nting authority shall cause a written notice of that action,
m with a statement of the specific reason or reasons
e for, to be sent within forty-eight (48) hours by registered
l to the affected individual at his last known address.

This requirement shall apply to revocation only, and not to
e ision against reappointment at the expiration of a fixed
n

3. Under Article IV Financial Regulations delete Sections inclusive in their entirety and substitute the following:

SECTION 1 ANNUAL BUDGET PROCESS- The Town Manager shall t to the Finance Committee a proposed budget and capital rement program for the ensuing fiscal year with an panying budget message and supporting documents as set forth ction 6-2 of the Chelmsford Home Rule Charter at least sixty days prior to the spring session of the annual Town Meeting.

SECTION 2 FEES - TOWN CLERK AND TREASURER - All fees ved by the Town Clerk and Town Treasurer by virtue of their e shall be paid into the Town Treasury.

		Prior to 12/1/90	Effective 12/1/90
(1)	For filing and indexing assignment for the benefit of creditors	$10.00	$10.00
(2)	For entering amendment of a record of the birth of an illegitimate child subsequently legitimized	$5.00	$10.00
(3)	For correcting errors in a record of birth	$5.00	$10.00
(4)	For furnishing certificate of a birth	$3.00	$ 5.00
(5)	For furnishing an abstract copy of a record of birth	$2.00	$ 3.00
(6)	For entering delayed record of birth	$5.00	$10.00
(7)	For filing certificate of a person conducting business under any title other than his real name	$10.00	$20.00
(8)	For filing by a person conducting business under any title other than his real name, or statement of change of his residence, or of his discontinuance, retirement or withdrawal from or a change of location of such business	$5.00	$10.00
(9)	For furnishing certified copy of certificate of person conducting business under any title other than his real name or a statement by such person of his discontinuance,		

		Prior to 12/1/90	Effective 12/1/90
	retirement or withdrawal from such business	$3.00	$ 5.00
(10)	For recording the name and address, the date and number of the certificate issued to a person registered for the practice of podiatry in the Commonwealth	$10.00	$20.00
(11)	For correcting errors in a record of death	$5.00	$10.00
(12)	For furnishing a certificate of death	$3.00	$ 5.00
(13)	For furnishing an abstract copy of a record of death	$2.00	$ 3.00
(14)	For entering notice of intention of marriage and issuing certificates thereof	$10.00	$20.00
(15)	For entering certificate or marriage filed by persons married out of the Commonwealth	$3.00	$ 5.00
(16)	For issuing certificate of marriage	$3.00	$ 5.00
(17)	For furnishing an abstract copy of record of marriage	$2.00	$ 3.00
(18)	For correction errors in record of marriage	$5.00	$10.00
(19)	For recording power of attorney	$5.00	$10.00
(20)	For recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof	$10.00	$20.00
(21)	For recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth	$10.00	$20.00
(22)	For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof and increase in the number of wires and cable or attachments under the provisions of Sec. 22 of Chap. 166	$25.00	$40.00

		Prior to 12/1/90	Effective 12/1/90
	Additional fee for each street or way included in such order	$5.00	$10.00
(23)	For examining records or papers relating to birth, marriage or deaths upon the application of any person, the actual expense thereof, but not less than $5.00	Actual Expense	
(24)	For copying any manuscript or record pertaining to a birth, marriage or death	$3.00	$ 5.00 per page
(25)	For receiving and filing of a complete inventory of all items to be included in a "closing out sale", etc.		
	First page	$2.00	$10.00
	Each additional page	$2.00	$ 2.00
(26)	For filing a copy of written instrument or declaration of trust by the trustees of an association or trust, or any amendment thereof as provided by Sec. 2, Chap. 182	$10.00	$20.00
(27)	For recording deed of lot or plot in a public burial place or cemetery	$5.00	$10.00
(28)	Recording of any other document		
	First page	$5.00	$10.00
	Each additional page	$2.00	$ 2.00
(29)	For licenses, registrations, or certificates of the Fire Department issued pursuant to Gen. Law. Chap. 148 Sec. 13		
	(a) Each new license application, etc.	$50.00	$50.00
	(b) Each renewal application, etc.	$25.00	$25.00

SECTION 3 COLLECTIVE BARGAINING ITEMS - Any budget item
nted at any annual or special Town Meeting for salaries or
ayment of any benefit or expense that is the subject of
ctive bargaining shall accurately reflect the most recently
iated or agreed payment and shall not be inflated to reflect
ipated negotiated contractual amounts.

SECTION 4 CAPITAL PLANNING COMMITTEE - A committee to be
as the Capital Planning Committee shall be established and
be composed of the following members: The Town Accountant
voting member), the Town Treasurer, one (1) member

inated by the School Committee, one (1) member designated by
'inance Committee, one (1) member designated by the Board of
ry Trustees, and two (2) citizens of the Town of Chelmsford
appointed by the Board of Selectmen who are neither a
ipal employee of the Town or an elected or appointed Town
ial except that they may be Town Meeting Members. The
ttee shall study proposed capital outlays having a useful
of a least one (1) year or the acquisition of land. The
ttee shall promulgate rules and regulations, make such
tigations and hold public hearings as it deems appropriate.

in relation thereto.

By Laws Committee

ail not and make return of this warrant with your doings thereon

ime and place of said election.

der our hands this 21 day of September , A.D. 1990.

BOARD OF SELECTMEN OF TOWN OF CHELMSFORD

Bonita A. Towle, Chairman

Dennis J. Ready, Vice Chairman

Henrick R. Johnson, Jr, Clerk

Bradford O. Emerson

Roger A. Blomgren

COMMONWEALTH OF MASSACHUSETTS

SK, SS Sept 24, 1990

nt to the within warrant, I have notified and warned the
tants of the Town of Chelmsford by posting up attested
c same at the following places, to wit:
fice Building Gym, Harrington School Gymnasium, Harrington
Gymnasium, Westland School Cafeteria, Byam School
rium, Westland School Cafeteria, McCarthy Middle School
Gymnasium, McCarthy Middle School Small Gymnasium, and Town
Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence,
Constable

Copy Attest, William E. Spence.
William E. Spence, Constable

ANNUAL TOWN MEETING
October 1, 1990

The Annual Town Meeting was called to order at 7:40 PM at the thy Middle School Auditorium by the Moderator Dennis E. McHugh, who nized the presence of a quorum. There were 141 Representative Town ng Members present.

The Moderator pointed out the fire exits located within the hall. tman Ready announced that the Holiday Decorating Committee is having d raiser and listed the names of people to contact.

Selectman Bonita Towle moved that the reading of the Constable's n of service and the posting of the warrant be waived. It was so , unanimously. Selectman Towle then moved that the reading of the e warrant be waived. It was so voted, unanimously.

The Moderator asked to allow Mary Mahoney a non resident who is the tor of the Library to address the Town Meeting Body if need be from to time. Motion carried, unanimously.

UNDER ARTICLE 1 Selectman Bonita Towle moved that the Town vote to reports of the Town Officers and Committees.

The Moderator explained that there were three committee reports to ard and that he would take them in alphabetical order.

The Blueprint 2000 Committee: The Town Manager Bernard Lynch ined that this committee was formed ten months ago. The members are oard member from the Board of Selectmen, Finance Committee, School ttee, also the Town Manager and the School Superintentent. It's a egic planning Committee which will look at the long term plans of ommunity and assess the Towns' needs for the next five to ten years. ked each Town Meeting Member to have ten residents of their ncts fill out and return a questionnaire that he is providing them for actual imput.

The Moderator asked for a motion, which was so moved to accept the t as given. He then asked for a voice vote to accept the report , motion carried.

The By-Law Committee: Thomas Doyle, Chairman of the Committee ined that this five member committee was formed due to the adoption e Charter. The purpose is to review any and all existing Town ws and make recommendations to conform them with the provisions of harter. The Committee submitted their recommendations which appears icles 9, 18, and 19, of the warrant.

The Moderator asked for a motion, which was so moved to accept the as given. He then asked for a voice vote to accept the report motion carried, unanimously.

Code of Ethics Committee: John Coddaire, Chairman of the Committee a brief presentation. The Committee was also formed as a result of harter adoption. The seven member board was appointed by the ntor with the purpose of preparing a code of ethics for the Town of sford. The Code of Ethics shall be applicable to all elected and nted officials and town employees. The Committee's recommendation s as article 14 in the warrant.

The Moderator asked for motion, which was so moved to accept the as given. He then asked for a voice vote to accept the report motion carried, unanimously.

UNDER ARTICLE 2 Town Manager Bernard Lynch explained that when the nal Town Meeting ended in June the Town had a balanced budget. Since e, three budgetary alterations have taken place which resulted as a otfall of $1.6 million dollars. The Massachusetts Legislature reneged commitment to level fund local aid. This resulted in a loss of 9,551.00. The availability of free cash to be appropriated is only 7,010.00, a lost of $677,000. This is due to outstanding property xs which are nearly 75% above normal. Foreclosures and challenged ssments account for much of this increase. The decrease in the Town ngers projections for miscellaneous receipts by $236,523.00. The jrity of this reduction is in motor vehicle excise tax receipts which tally deceased in FY90.

He said by using the remaining monies of the Brookline decision, the det shortfall problem can immediately be reduced by $392,810.00 rugh borrowing for approved capital items rather than appropriating ns. By decreasing the appropriation for employee health insurance ut fund by $200,000.00. This still leaves the Budget shortfall of .12 million dollars. This figure has been divided in half with the w and School both reducing their budgets by $506,430.00.

He then went through a list of reductions under the town side, tng his recommended and amended figures. The General Government was dced by restructing the Veterans, and Town Manager's Office personnel. iing a new Town Accountant at a lower rate. Employee's benefits in e area of sick time back back for non union employees. Traffic and fey Expenses have been reduced. The Salary account will be reduced by ,00.00, and the expenses have an amended figure of $291,000.00. He l that at the end of his presentation the School Department would give er recommendations, but he is recommending the amended figure of 6000.00. Under Public Safety he recommended a reduction in salaries t an amended figure of $245,000.00, and expenses by 2,000.00 He was ting back on the travel allowance and miscellaneous expenses in the section Department. Within the Police Department it would be reduced alaries. By working with the Chief hopefully due to the elimination he Highway Superintendent position, additional monies are available d may avoid layoffs for some time. But clearly there would be a diction in overtime, and reorganization due to the retirement of the pity Chief may save additional money. The Fire Department will still ble to keep the West Fire Station opened. What will occur will not he filling of the 3rd man position at the North Fire Station. South, s, and West stations will have two men. Public Works, reducing the laries by $35,252.00, by eliminating the Highway Superintendent's stion and reorganization will take place. Cutting back in overtime, rful of call outs, when they occur reclassify the position to reduce o part time people, the expenses would be reduce by $54,825.00, by ting back on road repairs. The Sewer Department's out of state travel uld be reduced by $1,500.00 and Snow and Ice account would be reduced $20,000.00. Community Service salaries would be reduced by 11,500.00. eliminating the Veteran's clerical staff by combining with the Council Aging facilities. The Council on Aging clerk's clerical hours would increased from 20 to 30 hrs. Due to this reorganization eventually the uncil on Aging's Director will assume some of the Veteran Agent's sponsibilities. Expenses would be reduced by $24,738.00. The reduction ll be under miscellanous expenses of Elder Affairs. And without ffecting services a great deal, the Health Department's reduction in the squito Control & Hazardous Waste Day programs. Under the Community rices, the Library is reducing in salaries by $6,459.00 and books and riodicals by $24,738.00. The Cemetery Depatment will reduce the laries by $3,418.00 and expenses by $2,950.00. He felt that these cuts re made with the minimal impact to the citizens of the Town. Both braries will be kept open, along with all the fire stations. Most of he programs were kept in tack. Some personnel have been reduced due to

eorganization process. He stressed that none of the cuts were easy cularly for the department heads. If these cuts aren't made tonight next year's level funded budget could have a shortfall of 1.4 on dollars. He asked for the body's support on his decisions.

The Moderator read the motion again with the figures which were to ended. Town Manager Bernard Lynch moved to amend the following es: Under General Government Line item 2 expenses $291.000.00. sford School Department Line item 6 total Budget $496,000.00. c Safety Line item 8 Salary $245,000.00. Public Works Line item 12 y $35,252.

The Finance Committee recommended the motion to amend. The ator explained that he would go through each section and ask for any ssion. He read the General Government thru Chelmsford School tment. Richard Codling spoke about the continuing asbestos removal am being done and urged for it to stop, and to come up with a system oid the additional expenses that occur when snow removal is done on nds. Andrew Slinish wanted to hear the School Committee's mendation. Chairman Wendy Marcks said it was the School Committee's t to leave the Town Meeting with a balanced budget. The Committee o adjourn their scheduled meeting tonight due to the beginning of own Meeting, but would continue the meeting after the adjournment of own Meeting. At which time a formal vote would be taken on where uts would be made. The vote would be based on the Town Meeting's n of the figure voted for the total School budget. The intendent did have a presentation prepared to show where the cuts be made, if the body wanted to hear it. The Moderator asked for a of hands of those interested in hearing Superintendent Moser's ntation. Motion carried. Superintendent Moser gave a list of tions. $276,237.00 under staffing would be reduced. Under Program tions $60,175.00. Under Supplies and Equipment $107,813.00 And substitutes a reduction of $61,775.00. He then proceeded to in what the actual reductions would be. Every student in general be effected by these cuts. A discussion took place. Grace Dunn against the proposed cuts. The Moderator read further along where Community Services Library Trustee, Janet Hendl, expressed the ee's concerns about the cuts being made under the Library budget. am Keohane spoke about the Town's responsibility to maintain it's ting budget on it's own. The community shouldn't depend on the or federal government's help. The Moderator asked for a voice vote e motion to amend. Motion carried. He then asked for a voice vote e article as amended, motion carried, unanimously. The article as follows:

Town Manager,Bernard Lynch moved that the town vote to decrease the f money to be raised and appropriated to defray Town charges for the l period from July 1, 1990 to June 30, 1991 by the sum of 2,467.00 by decreasing the following line items of the Fiscal 1991 t:

ACCOUNT	DECREASE
General Government	
Salary	4,500.00
Expenses	291,000.00
Chelmsford School Department	
Total Budget	496,000.00

ACCOUNT	DECREASE
Public Safety	
Salary	245,000.00
Expenses	2,000.00
Public Works	
Salary	35,252.00
Expenses	54,825.00
Out of State	1,500.00
Snow and Ice	20,000.00
Community Services (Human Services)	
Salary	11,500.00
Expenses	13,325.00
Community Services (Cult. and Recreation	
Salary	6,459.00
Books and Periodicals	24,738.00
Cemetery Department	
Salary	3,418.00
Expenses	2,950.00
Total	1,212,467.00

UNDER ARTICLE 3 Town Manager Bernard Lynch moved that the Town vote i struct the Board of Assessors to issue the sum of $478,010.00 from e Cash in the Treasury for the reduction of the fiscal year 1991 tax e

The Town Manager, Bernard Lynch, explained that this is part of the g t process balancing and asked for support. The Finance Committee l he Board of Selectmen supported the article. A discussion took c . The Moderator asked for a voice vote, motion carried.

UDER ARTICLE 4 Town Manager Bernard Lynch moved that the Town vote e d its action taken under Article 8 of the June 4, 1990 Annual Town n by reducing the sum of money to be raised and appropriated by 8 0. and by increasing the sum of money to be borrowed by $392,810.00 otal sum to be borrowed $1,311,955.00.

Bernard Lynch explained the article. The Finance Committee recommended r icle. The Moderator asked for a voice vote, motion carried m usly.

UDER ARTICLE 5 Treasurer James Doukszewicz moved that the Town vote s ind the balance of the authorized but unissued debt under Article 10 e 1989 Annual Town Meeting in the amount of $150,000.00.

James Doukszewicz explained the article. The Finance Committee m nded the article. The Board of Selectmen were in favor of the c e. The Moderator asked for a voice vote, motion carried, m usly.

UNDER ARTICLE 6 Thomas Firth, Chairman of the Planning Board moved the Town vote to amend the Chelmsford Zoning By-law Section 2600 SITY OF USE SCHEDULE, by deleting "15" under Maximum Building Coverage in the CA District (NEIGHBORHOOD COMMERCIAL) and inserting "30".

Planning Board Member Christine Gleason explained the purpose of the le. A property owner's representative came before the Planning Board ng that when the zoning master plan was done in 1986 the intensity and schedule reflected a change that wasn't intended. The CA zone should been kept at 30%. Instead a change of 15% was added. After arching the issue the board recommended to amend the zoning section. then read the Board's recommendation. "The Planning Board, held a c hearing on September 12, 1990 and voted unanimously (6-0) to mend amendment to the Chelmsford Zoning by-law section 2600 (Intensity se Schedule), by deleting "15" under Maximum Building Coverage Percent he CA District (Neighborhood Commerical and inserting "30"; or act in tion there to." A discussion took place. The Finance Committee and d of Selectmen are in favor of the article. Sue Olsen requested to the owner of the property identified and question the location of the erty. The owner was Raymond Carye and the area is the Chelmsford Mall ted on rt 110. A discussion took place. It was stated that the vidual presently owes payment on real estate tax bills. The property eing appealed to the Appealant Tax Board. Plus there are other areas ow where the CA zone exits that this effects. A number of esentatives spoke against the article. Robert Sexton moved to table article. The Moderator asked for a voice vote which left the chair in t. The following tellers came forward and a hand count was taken:

chael McCall, Patrick Calnan, Helen Manahan, Dorothy Frawley

t Yes 59 No 66, motion defeated, the discussion continued.

d Keirstead spoke in favor of the article. The non-payment of the estate taxes shouldn't be the issue at hand. This property and any listed in a CA zone shouldn't be kept non-conforming because of an sue. John Emerson cautioned the Representatives on their comments made, they could be held liable. Sue Olsen questioned if a possible suit could be initiated as a result of non passage of the article. Counsel James Harrington expressed that the issue shouldn't be duced by the non payment of taxes. The Moderator asked for a voice o the article. Motion defeated. John Emerson requested "that it be ted into the Town Meeting minutes as being opposed to that vote".

UNDER ARTICLE 7 Chairman of the Planning Board, Thomas Firth explained purpose of the article. The land in question was located between the Town Hall and Fire Department on North Road. It was listed as "P" instead of RA residential. He then read the Board's recommendation: Planning Board held a public hearing of September 12, 1990 and voted imously (6-0) to recommend a vote to amend the Zoning By-law and Zoning to change from Public District (P) to Residential District (RA) for el I/1-3 North Road and Parcel II/5 North road; or act in relation et."

The Finance Committee recommended the article The Board of Selectmen n recommendation. The Moderator asked for a voice vote, motion ied, unanimously. The article reads as follows:

Thomas Firth, Chairman of the Planning Board moved that the Town vote mend the Zoning by-Law and Zoning Map to change from Public District to Residential A District (RA) the following described parcels:

Parcel I. A certain parcel of land located at 1-3 North Road on the easterly side of said North Road containing 10,786 square feet of land more or less and being shown on Assessors Map 104 as Lot 40 and being bounded and described as follows:

Beginning at the southwesterly corner of said premises on the easterly side of said Road and at the northwesterly corner of land of the Town of Chelmsford; thence Easterly by said Town land, one hundred forty-five feet to a corner; thence Northerly still by said Town land and by land supposed to belong, now or formerly, to Theodore W. Emerson, sixty-seven feet to land conveyed by Mary Elizabeth Richardson to Leslie Richardson Davis by deed dated October 30, 1907, recorded with Middlesex North District Registry of Deeds, Book 441, Page 492; thence Westerly by said last mentioned land, one hundred forty-two and 70/100 feet to said North Road; thence Southerly along said Road, eighty feet to the point of beginning; or however otherwise said premises may be measured, bounded or described.

Parcel II. A certain parcel of land located at 5 North Road on the easterly side of said North Road containing 9,853 square feet more or less and being shown on Assessors Map 104, Lot 39 and being bounded and described as follows:

BEGINNING at the Northwesterly corner of the granted premises at said road and at land belonging to the Town of Chelmsford, known as the "Schoolhouse Lot;" thence running:

EASTERLY	along said last named land one hundred thirty-eight and 67/100 (138.67) feet to land now or formerly of James P. Emerson; thence running
SOUTHERLY	along said last named land, seventy and 16/100 (70.16) feet to land now or formerly of Mary Elizabeth Richardson; thence running
WESTERLY	along said last named land, one hundred forty-two and 70/100 (142.70) feet to said road; thence running
NORTHERLY	along said road, seventy (70) feet to the point of beginning

NDER ARTICLE 8 The Moderator read the article. Chief of Police, d McKeon explained the article. Due to a situation that occurred in r town during the summer, it was felt that the Town's present ting by-law should be amended to reflect more stringent rules and tions. The Finance Committee spoke in favor of the article, but oned the non-profit organization wording. A discussion took place. Ready moved to amend the first paragraph by inserting the words "for " before organization in the last sentence. And at paragraph 4 delete rd "and" after forenoon and insert the words "or after". The tor asked for a voice vote, motion carried. Linda Allen moved to he second paragraph by adding The Police Chief may waive the $25.00 his discretion. A discussion took place. It was felt that the Chief shouldn't have to decide on waiving the required fee for any or organization. The Moderator asked for a voice vote, motion ed. Robert Joyce questioned if this would apply to businesses. It swered as yes. The Moderator asked for a voice vote on the article nded, motion carried, unanimously. The article reads as follows:

man Bonita Towle moved that the Town vote to amend the General s by deleting Article VI Police Regulations Section 16 Solicitors serting in its place the following:

ection 16 Licensing of Solicitors

1. It shall be unlawful for any person to solicit orders, or ption for goods or services, or to sell goods or services door to n the Town without first having registered with the Police ment. The registrant shall provide proof of identification, his ture, the name of his employer, the type of products or services which he is soliciting, and such other information as may be requested by ice Department. Each person soliciting in the Town on behalf of a ation, business, or other for profit organization shall be required ster with the Police Department.

2. Each person shall pay to the Police Department at the time of tration an annual registration fee of twenty-five dollars.

3. a) Each person who pays the fee provided herein shall be furnished t indicating that he or she has registered and showing the dates by such registration.

b) Each person shall at all times while soliciting in the Town pon his person the registration permit and the same shall be ed by such person whenever required to do so by any police officer ny person solicited.

c) In addition to the permit, the Town shall issue an ication badge to every person registered hereunder. Permittees ear their badges in such a manner that the badges may be easily read ransacting business. If a badge becomes damaged or obscured, the ee shall return it to the Town and receive another badge. Badges hereunder shall conspicously state that the Town of Chelmsford does orse the goods or services being solicited.

d) Permits and identification badges shall be used only by the to whom they were issued, and may not be transferred or extended to any other person.

4. There shall be no door to door solicitation or selling before 9 in the forenoon or after 6 o'clock in the afternoon.

5 Any permit issued under this ordinance may be suspended or revoked
e Chief of Police for any of the following reasons:

a) Fraud or misrepresentation in the application of the permit;

b) Fraud or misrepresentation in the course of soliciting;

c) Conducting the business of soliciting contrary to the conditions specified in this by-law.

d) Conducting the business of soliciting in such manner as to violate any of the laws or regulations of the Commonwealth of Massachusetts or the Town of Chelmsford.

6 Any person who violates any provision of this by-law shall be
nd by a fine not exceeding $200.00.

UNDER ARTICLE 9 Edward S. Marshall, member of the By-law Committee
that the Town vote to authorize the appointment of a multiple member
Committee consisting of the Moderator and one Town Meeting
sentative from each precinct to be elected by the incumbent Town
ng Representatives within each precinct, for the purpose of proposing
d order for the orderly conduct of town meeting. The committee
submit their proposal no later that the next October session of the
l Town Meeting.

Jane McKersie, Member of the By-law Committee explained the article.
inance Committee and the Board of Selectmen were in favor of the
le Robert Joyce questioned the fact that an even amount of people
embers, and moved to amend the article. He moved to add after the
precinct in the fifth sentence "a member of the by-law Committee to be
nted by them". A discussion took place. The Moderator appointed the
Counsel at this time to take over the rest of the discussion and vote
e article. He felt that because he appointed this committee that there
conflict. Town Counsel James Harrington acting as the Temporary
ater, proceeded with the meeting. The Temporary Moderator asked for
ce vote on the motion. Motion defeated. Robert Sexton moved to amend
rticle by adding "the Moderator as a non voting member". And "this
tte will expire upon presentation of their recommendation to Town
ng. More discussion took place. The Temporary Moderator asked for a
vote, motion defeated. He then asked if there was any need for
er discussion. Robert Joyce moved the question. The Temporary
ater asked for a voice vote. A unanimous or 2\3's vote is needed.
ellers came forward and conducted a hand count: Yes 93 No 15 2\3's
, motion carried to stop debate. The Temporary Moderator asked for a
vote on the article. Motion carried.

Moderator Dennis McHugh returned to the Chair and the meeting
nued.

UNDER ARTICLE 10 Thomas Moran proponent of the petitioned article
t withdraw the article due to the passage of article 9. The
ater asked for a voice vote, motion carried, unanimously.

UNDER ARTICLE 11 Town Clerk Mary E. St.Hilaire,moved that the Town t amend the General By-Laws article VII Miscellaneous, Section 1 Dog a ions Subsection 5 by increasing fees as follows:

The fee for every kennel licenses shall be as follows:

Forty Dollars ($40.00) for every kennel license for 4 dogs or less

Eighty Dollars ($80.00) for every kennel license for over 4 dogs but v r 10 dogs.

One Hundred fifty Dollars ($150.00) for every kennel license for over 0 but not over 25 dogs.

Town Manager Bernard Lynch explained that these fees should have been a ed when the actual individual dog licenses where increased at the J ne Town Meeting from $5.00 to $10.00 per dog. The Moderator asked oice vote, motion carried, unanimously.

UNDER ARTICLE 12 Town Manager Bernard Lynch moved that the town vote a sfer the sum of $5,000.00 from the Insurance Sinking Fund, to a Government Expenses, Line item #2, for the purpose of insurance t ble reimbursement.

The Finance Committee was in favor of the article. Motion carried

UNDER ARTICLE 13 Selectman Bonita Towle moved that the Town vote to r ze the Board of Selectmen to convey in accordance with MGL Chapter f r consideratin to be determined, all right, Title and interest, if h ld by the Town in a certain parcel of land located on Wightman t shown as Lot 14 on Assessors Map 19, containing 5,300 square feet o less and more fully described in a deed recorded in the Middlesex istrict Registry of Deeds in Book 2866, page 71.

Town Manager, Bernard Lynch, explained that under this law all r y valued over $500.00 must go out for public bid. The above i ed property does exceed $500.00 in value, and this will allow the f Selectmen to process the sale accordingly. The Finance Committee n favor of the article. Motion carried, unanimously.

Selectman Bonita Towle moved to adjourn the meeting until 7:30 PM, y evening October 15, 1990, at the McCarthy Middle School Auditorium. n carried, unanimously. The meeting adjourned at 11:05 PM

s E. McHugh, Moderator

Mary E. St.Hilaire, Town Clerk

ADJOURNED ANNUAL TOWN MEETING
October 15, 1990

Annual Town Meeting was called to order at 7:42 PM at the McCarthy School Auditorium by the Moderator Dennis E. McHugh, who recognized ence of a quorum. There were 129 Representative Town Meeting present. The Moderator announced this would be the last town for Finance Member Donald Elias, and thanked Mr Elias for his years ce.

ER ARTICLE 14 Barry Balan moved to waive the reading of the Motion carried. John Coddaire, Chairman of the Code of Ethics e, explained the article. The Charter mandated that the Moderator a seven member board to prepare a Code of Ethics for the Town of rd. The Committee held a public hearing on July 11, 1990, and ds the article before the body. The State of Massachusetts has a conflict of interest law on the books. The purpose of this s to be an awareness law. To educate elected and appointed s and all Town Employees of possible conflicts that they may be of. The Finance Committee recommended the article. The Board of n support the article.
ard Hilliard moved to amend the article. Under Section C. h #2 to add the words "paid employment," in the 3rd sentence after s "includes but is not limited to" so that the sentence reads as "Substantial value includes but is not limited to paid nt, additional compensation, waived fees, ...etc." The Finance e could not make a recommendation at this time, they requested discussion. Edward Hilliard explained the purpose of his motion. sion followed. Andrew Slinish moved the question. The Moderator r a voice vote on the motion, which carried. He then asked for a te on the motion to amend, it was defeated. More discussion took Edward Hilliard moved to amend the article. Under Section C to add aragraph to read as follows:
nicipal employees shall not perform private duty details in uniform stablishment that serves alcoholic beverages."
explained the purpose for the amendment. The Moderator asked for a te on the motion to amend. Motion defeated. Loretta Gelenian the wording in Paragraph 4 and 5, and moved to delete them in tirety. John Coddaire, Chairman of the Ethics Committee, spoke the motion to amend. Loretta Gelenian moved to withdraw the motion he fact that she wanted to reword the motion. The Moderator asked ice vote, motion carried. Loretta Gelenian moved to amend Section aph #4 to insert the words "acting on Town business" after the "unicipal Employees". And to amend Paragraph #5 in Section C the ay. The Moderator asked for a voice vote, motion defeated. James icz moved to delete Section C Paragraph #2 in its entirety. Town ruled the motion out of order because Mr Doukszewicz is not a Town Member, and only a member may make motions. David McLachlan, Code s member, explained the purpose for this article. Steven Temple why the Town needed to have this by-law if it was already a state Jcin Coddaire explained that the Charter required the Town to have wn separate Code of Ethics. Kathleen Hillman moved to delete Section aph #2 in its entirety. She said that she agreed with Jim zewicz's concept. David McLachlan explained why the Board felt that aragraph should not be deleted. The Moderator asked for a voice motion defeated. More discussion took place. Kay Roberts moved to Section C Paragraph #4 & #5 as follows:

After the word Chelmsford, add "And with whom the municipal Employee ad or is likely to have official dealings".

After the word Chelmsford, add the same as above."

laire said that that the Committee was in favor of the motion. The committee recommended the motion. The Moderator asked for a voice ion carried to amend. He then asked for a voice vote on the s amended. This left the Chair in doubt, he asked for a show of tion carried. The article reads as follows:

el W. Burke, Member of the Code of Ethics, moved that the town mend the General By-laws by adding Article XIII, Code of Ethics as

ARTICLE XIII CODE OF ETHICS

A. WHO THE BY-LAW GOVERNS

This By-Law governs all municipal employees. A municipal employee is a person performing services for or holding an office, position, employment or membership in a municipal agency, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent, or consulting basis, but excluding (1) elected members of a Town Meeting and (2) members of a charter commission established under Article LXXXIX (89() of the Amendments to the Constitution.

B. PURPOSE

The purpose of this By-Law is to ensure that municipal employees' private financial interests and personal relationships do not conflict with their public obligation to act objectively and with integrity. This By-Law is written to prevent municipal employees from becoming involved in a situation which could result in or give the appearance of unethical or illegal behavior. This By-Law restricts what municipal employees may do on the job, after hours and after leaving public service.

It is essential for the continued well-being of the Town of Chelmsford that its citizens have full confidence in the integrity of its municipal employees. The Town of Chelmsford desires to promote such confidence by demanding the highest standards of ethical conduct for each

municipal employee. It is required that municipal employees conduct themselves in a way that their behavior, both in practice and appearance, conform to the highest standards of ethical conduct. The Town of Chelmsford recognizes the Massachusetts Conflict of Interest Law (Chapter 268A of the General Laws) as the basis for setting the minimum standard of ethical conduct for all municipal employees. It is considered an integral component of this By-Law and should read in its entirety.

C. WHAT THE BY-LAW PROHIBITS

This By-Law provides that municipal employees for the Town of Chelmsford will "pay their own way". Municipal employees must avoid conduct which creates the impression that they will act with bias.

1. Municipal employees shall not engage in the most obvious kind of corruption: bribery. Massachusetts law imposes criminal penalties, not only on municipal employees who seek or receive payoffs or kickbacks, but also on anyone who bribes or attempts to bribe a public official for any action or inaction.

2. Municipal employees shall not request, accept or offer anything of "substantial value" from or to anyone with whom the municipal employee has had or is likely to have official dealings even if the motivation for the gift is to express gratitude for a job well done or to foster goodwill. The Town of Chelmsford deems "substantial value" to be $50.00 or more in any calendar year. Substantial value includes but is not limited to additional compensation, waived fees, sporting event tickets, golf outings, parties, meals, discounts, gift certificates, entertainment, and refreshments at testimonials, retirement functions and ground breaking and dedication ceremonies. Free or discounted

services such as construction or accounting work are considered gifts. The purchase of property at less than full market value, from any entity having matters before any town Board or Agency is strictly prohibited.

3. Municipal employees shall not solicit contributions, sell tickets or otherwise seek or accept payment for a testimonial or retirement function, or any function having a similar purpose, held for themselves, for a member of their immediate family, or other employee, if the contributor is a person or entity doing business with the Town of Chelmsford and the admission price or payment exceeds the actual per-person cost of the food and beverages served at the function. Municipal employees shall not request or require any person or entity to sponsor or contribute to any groundbreaking ceremony, dedication ceremony or similar occasion. The Town of Chelmsford, if it deems the occasion appropriate, shall plan and pay for the ceremony.

4. Municipal employees shall not accept reimbursement for travel expenses from any person or entity having business with or wishing to do business with the Town of Chelmsford. And with whom the municipal Employee has had or is likely to have official dealings. Municipal employees shall not utilize private aircraft for travel, whether business or pleasurer, this is owned, leased or rented by entities doing business with or wishing to do business with the Town of Chelmsford. And with whom the municipal Employee has had or is likely to have official dealings. Travel expenses for municipal employees for municipal business shall be paid by the Town.

5. Municipal employees shall not use the non-business facilities of entities having financial contracts with or wishing to have financial contracts with the Town of Chelmsford. And with whom the municipal Employee has had or is likely to have official dealings. This includes but is not limited to, staying at vacation spots, lodges, or condominiums.

6. Municipal employees are prohibited from taking action on any "particular matter" as defined in Chapter 268A of the General Laws which would affect their own financial interest or the financial interest of:

a. their immediate family (themselves, their spouse, children, parents, brothers and sisters);

b. their partner (s);

c. a business organization in which they serve as an officer, director, trustee, partner, silent partner, or employee (including a non-profit organization); and

d. any person or organization with whom they are negotiating or have any arrangement concerning future employment.

An exception is available to appointed municipal employees who may act on a matter in which they, their family or business has a financial stake, providing that they receive written permission from their appointing official prior to taking the action.

7. Municipal employees shall not participate in any way in the hiring, promotion, performance review or salary recommendation of any immediate family member. An exception is available to appointed municipal employees who may act on a budget affecting an immediate family member's financial interest provided that they receive written permission from their appointing official prior to taking the action.

8. Municipal employees shall not use their position to benefit from municipal contracts and must avoid conduct which creates the public perception that municipal employees have an "inside track" on obtaining municipal contracts or jobs.

9. Municipal employees shall not use or attempt to use their municipal position to obtain unwarranted privileges for themselves or anyone else. Municipal employees shall avoid conduct which creates the impression that they can be improperly influenced or that they will act with bias. Municipal employees are prohibited from misusing confidential information obtained on the job and from accepting outside employment which is inherently incompatible with their public position.

10. Municipal employees shall not act as agent or attorney for a private party before the Town. There are exceptions which are covered under Chapter 268A of the General Laws, Section 17.

11. Former municipal employees shall not derive unfair advantage by misusing friendships formed or confidential information obtained while serving the Town.

12. Municipal employees shall not use Town property of any kind, either directly or indirectly, for other than officially sanctioned activities, except to the extent that said property is available to the public.

D. RESPONSIBILITIES OF APPOINTING AUTHORITY:

Appointing authorities shall appoint only those persons who do not have vested interests in any matter coming before that persons' appointed body which would violate or give the appearance of violating the provisions of this By-Law.

E. IMPLEMENTATION OF BY-LAW

All municipal employees are required to be familiar with the standards of this By-Law. A procedure for the proper orientation of each individual is hereby established:

The Town Manager and the Superintendent of Schools shall jointly develop a program to annually inform and educate all municipal employees of the required standards of conduct. The Town Manager and the Superintendent of Schools shall

develop a program to inform and educate all incoming municipal employees of said standards of conduct. They shall include in their program, as a minimum, a procedure that will produce for the Town's records a signed document from each municipal employee indicating that each individual has read this By-Law and is familiar with the requirements of Chapter 268A of the Massachusetts General Laws.

The Town Manager shall place the State Ethics Commission publication entitled "A Practical Guide to the Conflict of Interest Law for Municipal Employees" conspicuously in the Town Manager's and Town Clerk's office and shall provide copies for placement in all public buildings for the benefit of all municipal employees and the public.

All citizens and municipal employees shall regularly be made aware that if they believe a violation of this By-Law has occurred or is occurring, they should call or visit the State Ethics Commission's enforcement staff, or they may speak with the Town Manager or the Superintendent of Schools.

The Town Manager and the Superintendent of Schools shall report to the State Ethics Commission any suspected violations of the State Conflict of Interest Law. The Town Manager and the Superintendent of Schools shall report annually to their Respective Boards the educational initiatives they have taken to comply with this By-Law. They shall also report the status of alleged violations brought to their attention which report shall only be statistical in nature.

When a violation of this By-Law has occurred, administrative action as is warranted shall be taken by the appropriate authority.

If any provisions of this By-Law shall be held to be invalid, the validity of the remainder of this By-Law shall not be affected thereby.

UNDER ARTICLE 15 Barry Balan moved to waive the reading of the
ile. Motion carried. James McBride of the Conservation Commission
lained the article. The Board of Selectmen wanted to hear further
ments before making their recommendation. Attorney Joseph Shanahan
resenting Louise Harrington, addressed the Body. He explained that Mrs.
rington owned a piece of property in the town since 1908, questioned the
ding of "within 50 feet". He said that this does not leave any appeal
cess within the Town boards. The only way an appeal can be made is thru
uperior Court System. Which can be a costly and lengthy process for
he public and Town to go through. He felt that a public hearing
uld be held and any decision be made from the hearing. Jeffrey Brem
ed to amend Section 2 by replacing the words fifty feet with twenty-five
t so it reads "Shall be prohibited within 25' of any bank.... He said
the Board of Appeals should be able to make a decision on the matter.
ublic shouldn't have to go through the Superior Court. The Finance
mittee didn't recommend the motion. The Moderator asked for a voice
e motion defeated. Further discussion took place. Joseph Shanahan
stioned the legality of the fifty feet wording. Town Counsel, James
rington said that the Attorney General would make the final decision
e the by-law is submitted to him. Robert Joyce moved to amend the
icle by adding to the end the following paragraph:
ny provision of this amendment shall be determined to be invalid, the
idity of the remaining portion of the amendment shall not be affected
reby". The Moderator asked for a voice vote, motion carried. More
cussion took place. Fran McDougall moved the question to stop debate.
oderator asked for a voice vote, motion carried. He then asked for a
ce vote on the article as amended, which left the Chair in doubt. He
n asked for a show of hands, motion carried. The article reads as
lows:

David J. McLachlan, Member of the Conservation Commission, moved that
Town vote to amend the General By-laws Article XI General Wetlands
laws as follows:

1. Deleting the first paragraph of Section 6 Order of Conditions in its entirety and insert in its place the following:

Section 6: Order of Conditions

If after said hearing, the Conservation Commission determines that the land on which the proposed work is to be done is significant to the interests protected by this Bylaw, it shall by written order, within 21 days or such further time as the Commission and applicant shall agree upon, impose such conditions reasonably necessary for the protection of interests described herein and all work shall be done in accordance therewith. The Conservation Commission may impose such conditions on any proposed removing, dredging, filling or altering as it deems necessary to protect and preserve the interests covered by this Bylaw. Such Order of Conditions shall be in writing and may be subject to the same constraints as any such order issued by the Chelmsford Conservation

Commission under the provisions of G.L. 131, Section 40, or successor statutes, and shall be issued within 21 days after the Public Hearing. Such Order of Conditions shall expire 3 years from the date of issuance. The Conservation Commission may extend an Order of Conditions for one or more periods of up to three years each. The request for an extension shall be made to the Conservation Commission in writing at least thirty (30) days prior to expiration of the Order of Conditions. The Commission may deny the request for an extension and require the filing of a new Notice of Intent for the remaining work. No proposed work governed by an Order of Conditions shall be undertaken until all permits, approvals, and variances required by the local Bylaw have been obtained and all applicable appeal periods have expired.

2. Under Section 1, Application, by adding the following sentences:

Provided however that the construction of any building as defined herein on any lot having an area of 40,000 square feet or more, shall be prohibited within fifty (50) feet of any bank, fresh water wetland, beach, flat, marsh, meadow, bog, swamp, or lands bordering or on any estuary, creek, river, stream, or lake or any land under said waters.

Construction of a building shall not include any reconstruction, alteration, extension or structural change to a building existing on October 15, 1990.

3. Under Section 16 Definitions by inserting after paragraph e) the following paragraph:

f) The term building as used in this By-Law shall mean a structure enclosed within exterior walls or firewalls, built, erected, and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property. For the purpose of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

4. Under Section 1 Applications by adding the following paragraph:

The Commission shall be prohibited from issuing a permit for any parcel where at least eighty (80) percent of the lot area required by the Zoning By-Law Section 2600 Intensity of Use Schedule, Minimum Lot Requirements, is not contiguous land other than that under any water body or bog, swamp, wet meadow, marsh, or any other wetland as defined in MGL Chapter 131 Section 40;

If any provision of this amendment shall be determined to be invalid, the validity of the remaining portion of the amendment shall not be affected thereby.

UNDER ARTICLE 16 Barry Balan moved to waive the reading of the ic.e. Motion carried, unanimously. Petitioner Richard DeFreitas la.ned why he felt that the present Board of Health Rules and ulations for Residential Refuse Collection Licensing and disposal should on: a town by-law. According to the Attorney General's Office only ir; or general by-laws can be voted or amended by the Town Meeting ce;s. In order for any citizen to change the present Board of Health es & Regulations they must become a by-law. Presently only the Board of lt; can change their own rules. He asked for support of the article and ue;ted the body not amend the article in any way. He wanted the article mi:ted exactly as the Board of Health accepted them at their meeting, l:t the A.G. decide the legality of them. The Finance Committee did not e in opinion for or against the article. The Board of Selectmen wanted nei r further input. Richard DeFreitas felt that the Board shouldn't be ow:d to make policy on non health issues. He went thru the article and nt:d out the sections that were in question. A discussion took place. ni; Ready asked for Town Counsel's opinion on if the article passed ch law take presidence for enforcement, the By-law or the Health Rules Regulations? James Harrington, Town Counsel explained that according Chapter 111 of the State Law, the Board of Health has the right to make ir own rules and regulations, and enforce them. Confusion could occur au:e conflicting statutes are established. Paul McCarthy, Board of lt; Member, explained that the Board of Health can changed their rules r:gulations immediately at any time, at any monthly meeting. Time ld be lost if the Board had to go thru the Town Meeting process of ti:g a warrant, and waiting for the Attorney General's approval. The er:tor asked for a voice vote one the article, which left the chair in bt He asked for a show of hands. The article was defeated.

UNDER ARTICLE 17 Barry Balan, Chairman of the Sewer Commission, moved t he Town vote to transfer the sum of $550,000.00 from Sewer te ments, special revenue, to reduce the exempt portions of debt and er st.

Barry Balan explained the article. The Sewer Commission's intent is ap ly this money to the betterments to offset indebtness cause from the t f sewer construction. The Finance Committee supports the article. re uces the tax rate and uses the funds for the purpose of which they e ntended. Bernard Lynch, Town Manager, cited the different opinions. t ver the past ten years the Town Budget has been paying for the ra ion of the sewer commission, which promised to be self supporting. es imation of two million has been spent. The Commission should pay it k y applying it to the budget. If the CLT question passes in November, n urther budgetary cuts will have to be made,it would seem that the ey now availble should be applied to the operation of the Town. sh uld be used strictly for the continuation of the sewer program. te and Federal funds are drying up. The money could be used to area's t eeded to be done. Finally the money belongs to the taxpayers and ul be returned to the taxpayer. He felt that the most rational is on at this time would be to wait until after the CLT question is ed then apply the funds if need be towards the budget. Dennis Ready ke in favor of Bernard Lynch's request. Town Treasurer James ks ewicz reminded the Town Meeting Representatives that this is a Town e ssue. Additional monies will be available at the end of the third rt rly tax payment. Those people who decided to spread the cost of ng into the sewage over the period of time alloted, will be due to make ay ent along with their real estate taxes. This money could be added to $50,000.00, already on hand. The Body may want to table or defeat the ic e if they are not comfortable with making a decision at this time. If CT question passes, then either futher cuts will be made or an over e uestion may be put on the ballot. In which case it may be better e ebruary to have more monies to apply if need be to the operating

e.. Sam Poulton felt it would be best to wait. Jeff Brem urged the o talk to their constituents about which way the money should be t Barry Balan moved to withdraw the article. He wanted to remind the hat the Commission wanted the funds used on behalf of the sewer e t, either to offset the cost or applied toward an ongoing project. G aham felt that the monies should be voted on tonight and applied to s wer project. She felt it would best to apply the money towards the e ment debt as was originally intended. Dennis Ready supported the o to withdraw. The Moderator asked for a voice vote on the motion to d aw, motion carried.

R ARTICLE 18 Edward S. Marshall moved that the town vote to amend the r l By-laws as follows:

. Under Article V Streets and Sidewalks substitute "Director of i Works" for "Highway Superintendent" in all sections of Article V.

. Under Article VII Miscellaneous Section 1 Regulations of Dogs e tion 6 Dog Officer by deleting the first paragraph and substituting f llowing:

The Town Manager shall annually appoint a Dog Officer and as many s ant Dog Officers as he determines necessary to enforce this By-law aid individual (s) shall enforce this By-law and perform such other e as the Town Manager may determine. The Town Manager shall determine s and conditions of work for the Dog Officers. Compensation for o s appointed under this By-law shall be consistent with other By-laws i g with salaries of appointed officials.

. Under Article VII Miscellaneous Section 1 Regulations of Dogs e tion 19 Dog Fund delete "Town Accountant" and substitute a urer-Collector" in all applicable places.

. Under Article VII Miscellaneous Section 2 Tree Planting delete e Warden" and substitute "Director of Public Works"

homas Doyle Chairman of the By-law Committee explained that this c e and the next two are the results of by-laws that were mandidated to h nged due to the adoption of the Charter. This particular article is s lt of going thru the Charter and appplying the technical changes i ed to the present by-laws in order to make them comply with the t r. The Finance Committee supported the article. The Moderator asked a voice vote, motion carried.

NDER ARTICLE 19 Selectman Bonita Towle moved to waive the reading of a ticle. Motion carried, unanimously. Thomas Doyle explained that s changes are mandidated due to the adoption of the Charter. He would g ad to answer any and all questions at the appropriate sections. The a ce Committee was in favor of the article in general, but moved to n under number 3. Section 1 Annual Budget Process the word (s) sixty days to be ninety (90) days. He felt that more time was needed by the a ce Committe for review the individual budgets. the Moderator asked a voice vote, motion carried, unanimously to amend. Jeffrey Stallard e to amend by adding under number 1. Section 2.2 Publication, The r articles for any Special Town Meeting shall be made available to Town Meeting Members not less than 14 days before the Special Town t g. The Moderator asked for a voice vote on the motion to amend, i carried, unanimously. Dennis J. Ready moved to amend number 1. t 3 Time of Meetings by inserting the word "annual" after "the r native" and before "Town Meetings". He explained that this would h clairify the Charter and present by-law that the April and October t s held on the dates mentioned in the by-law are both considered

Meetings. The Moderator asked for a voice vote, motion carried. number 3. Section 2 Fees- Town Clerk and Treasurer a discussion took Robert Joyce requested an explanation on the increase. Town r Bernard Lynch explained that the would bring the Town up to the ates that the surrounding cities and towns are currently charging for services. A majority of the rates haven't been raised in ten years. imated that it would bring in an additional $7,000.00. in revenues. Joyce moved to delete the column marked "effective 12/1/90" in its ty. He felt that this should have been a separate article. The r doesn't require these changes. Only those before and after this n within the article are mandidated. The Finance Committee was not or of the motion to delete. Frances McDougall spoke in favor of the . She felt that it wasn't that much of an increase, and people pay the fee when requiring certain services. David McLachlan felt hese are reasonable fees, and urged for the motion to be defeated. derator asked for a voice vote, motion defeated. Jeffrey Stallard to amend number 3. Section 1 Annual Budget Process. After hearing poposed amendment, Town Counsel James Harrington ruled it out of because it does not comply with the Charter. The Moderator asked avoice vote on the entire article as amended, motion carried. The e reads as follows:

dward S. Marshall, member of the By-law Committee moved that the Town o amend the General By-laws as follows:

1. Under Article II Town Meeting delete Sections 1-6 inclusive in their entirety and substitute the following:

SECTION 1 ANNUAL ELECTION - The Annual Election shall be on the first Tuesday of April.

SECTION 2 WARRANT ARTICLES -

2.1 SUBMISSION DEADLINE - All warrant articles shall be in the hands of the Board of Selectmen no later than a) the first (1st) Monday in January for the Town Meeting to be held in April, and b) the first (1st) Monday in August for the Town Meeting to be held in October. The Board of Selectmen may waive this requirement if deemed in the best interest of the Town or as required by statute.

2.2 PUBLICATIONS - The warrant article shall be included in the Finance Committee report which shall be made available to Town Meeting Members and the public not less than two (2) weeks before either Town Meeting. The warrant articles for any Special Town Meeting, shall be made available to the town meeting members not less than fourteen (14) days before the special town meeting.

SECTION 3 TIME OF MEETINGS - The Representative Annual Town Meetings shall be held on the last Monday in April and on the third (3rd) Monday October in each year. The April Town Meeting is expected to be primarily concerned with the determination of matters involving the expenditure and commitment of Town funds, including but not limited to the adoption of an annual operating budget for all Town agencies.

The Board of Selectmen may, in any manner provided under the laws of the Commonwealth of the Charter, for the purpose of acting upon the legislative business of the Town in an orderly and expeditious manner, call the representative Town Meeting into session at other times by the issuance of warrants therefore.

ARTICLE 4 PROCEDURES -

4.1 ORDER OF PRECEDENCE OF MOTIONS - At all sessions of Town Meeting, the following motions shall be recognized and shall have precedence in the order in which they are arranged in this section:

ORDER OF PRECEDENCE OF MOTIONS

	Privileged	Debatable	Can be Amended	Can be Reconsidered	Vote Required
a) Adjourn (unqualified)	Yes	No	No	No	Majority
b) Adjourn at or to a Certain Time	Yes	Yes	Yes	Yes	Majority
c) Recess	Yes	No	Yes	No	Majority
d) Question of Privilege, Order of Information	Yes*	No	No	No	None
e) Take out of Order	Yes	Yes	No	No	Majority
f) Reconsider	Yes*	Yes	No	Yes	Majority
g) Lay on or Take from the Table	No	No	No	No	Majority
h) Previous Question	No	No	No	No	2/3
i) Limit or Extend Debate	No	No	Yes	Yes	2/3
j) Postpone to a Certain Time	No	Yes	Yes	No	Majority
k) Commit, Recommit or Refer	No	Yes	Yes	Yes	Majority
l) Amend	No	Yes	Once	Yes	Majority
m) Main Motion	No	Yes	Yes	Yes	Majority

* Note: the privileged motions marked by an asterik may interrupt the speaker.

The above table of motions in order of their precedence shall be printed on the inside of the front cover of the Finance Committee report for each of the annual Town Meetings.

The following listing of common motions, classified according to their objectives, shall be printed on the inside of the back cover of the Finance Committee report for the annual Town Meetings.

COMMON MOTIONS CLASSIFIED ACCORDING TO THEIR OBJECTIVES

To Modify or Amend	(a) Amend (b) Commit or Refer
To Defer Action	(a) Postpone to a certain time (b) Lay on the Table (c) Commit or Refer
To Suppress or Limit Debate	(a) Previous Question (to close debate now) (2/3 vote) (b) Limit Debate (2/3 vote)
To Suppress the Question	(a) Previous Question (2/3 vote) and Reject Question (b) Lay on the table
To Consider a Question a Second Time	(a) Take from the Table (b) Reconsider

4.2 RECONSIDERATION - A motion at any adjourned Town Meeting for reconsideration or rescinding of any action taken at a previous session of the adjourned Town Meeting shall not be entertained or allowed by the Town Moderator.

4.3 AMENDMENTS - Any article appearing in the warrant and considered at any Town Meeting may be amended and any portion thereof may be deleted or added to by a vote of the Town Meeting Members provided, however, that in said notice the words "or act in relation thereto" or "do anything pertaining thereto" or words of similiar import appears at the end of said article.

An amended amendment cannot be amended and no motion or proposition of a subject different from that under consideration shall be entertained under color of an amendment.

4.4 AMENDMENT OF BY-LAWS - Town By-Laws may be amended or rescinded by a majority vote of those present and voting at any Town Meeting provided that the proposed action was published in the warrant of that Town Meeting and further, provided that any such amendment is in compliance with the

Charter.

4.5 REPORTS - When the report of a committee is placed in the hands of the Town Moderator, it shall be deemed to be received and a vote to accept the report shall discharge the committee unless the report is one of progress and not final; in which case the committee continues to serve unless the Town Meeting Members vote to discharge same.

All reports, resolutions, motions or amendments submitted to the Town Meeting for consideration involving the expenditure of money shall be presented in writing to the Town Moderator.

4.6 APPROPRIATIONS - No money shall be transferred at a Special Town Meeting except by a majority vote of those present and voting.

All motions on articles involving bond or note issues shall require a two-thirds (2/3rd's) vote of those present and voting.

4.7 APPROPRIATIONS AT SPECIAL TOWN MEETINGS - No money shall be appropriated at a Special Town Meeting except by a two-thirds (2/3rd's) vote of the voters present and voting.

4.8 ATTORNEYS SPEAKING - Any person who is employed as an attorney by another interested in any matter under discussion at a Town Meeting shall disclose the fact of his employment before speaking thereof.

4.9 TOWN COUNSEL - The Board of Selectmen shall assure that the guidance of the Town Counsel be available both to the Town Moderator and to the body at all Town Meetings whenever practical.

2. Under Article III Town Officers delete Sections 1-8 inclusive in their entirety and substitute the following:

SECTION 1 FINANCE COMMITTEE - The Town Moderator shall appoint a Finance Committee which shall be composed of seven (7) members; each of whom shall serve for a term of not more than three (3) years from the date of appointment.

SECTION 2 PERSONNEL BOARD - There shall be a Personnel Board consisting of five (5) members, four (4) of whom shall be known as public members, and shall be appointed by the Town Manager. In the beginning, two (2) of these shall be appointed for a term of one (1) year and two (2) shall be appointed for a term of two (2) years. Thereafter, each public member shall be appointed for a term of two (2) years. Each term shall expire at the end of the appropriate fiscal year.

The fifth (5th) member, to be known as the personnel member, shall be elected by Town employees who are subject to the personnel system and whose name appears on the Town payroll list for the Wednesday prior to the election or who otherwise is identified as an eligible voter. Each voter must be eighteen (18) years of age or over on the day of the election. The term of office shall be for two (2) years and shall expire on July 1 of each odd numbered year. The election of the personnel member shall be secret and shall be supervised by a board of three (3) election officers appointed by the Town Manager. The election shall be held in June to be effective in July. Special elections shall be held to fill the unexpired term of the personnel member who resigned before the term has expired. All elections shall be held between the hours of 10 a.m. and 3 p.m. on a weekday elected by the above mentioned board of three (3) election officers. Each permanent full time employee or part-time regular employee with a work schedule over twenty (20) or more hours per week will be granted one (1) vote. All other eligible voters will be granted one-half (1/2) vote each.

At the first meeting of each fiscal year at which all Personnel Board Members are present, a chairman of the Personnel Board shall be elected by a majority vote.

All members of the Personnel Board shall be registered voters of the Town of Chelmsford.

No public member of the Personnel Board shall be an employee of the Town nor hold office whether appointed or elected. The personnel member of the Personnel Board shall not be an elected official or appointed department head but may otherwise be an employee who is subject to this By-Law.

Members of the Personnel Board shall serve without compensation.

The Personnel Board shall meet regularly as necessary to consider such business as may be presented by Town officials, Town employees, or others.

At any meeting of the Personnel Board, action by a majority of those Board members shall be binding upon the Personnel Board. At least three (3) members of the Board shall be present in order to constitute a legal meeting.

SECTION 3 TOWN TREASURER-COLLECTOR - The Collector of Taxes shall be the Town Collector. The Town Collector, within the time limits prescribed by law for the collection of accounts due the Town, shall collect all accounts due the Town, except those set forth in Section 38A of Chapter 41 of the Massachusetts General Laws, as amended. The said Town Collector may settle and adjust any such accounts upon such terms as he thinks for the best interests of the Town, or he may cause legal proceedings to be commenced in his name as Town Collector for the collection of any such accounts and may employ counsel for that purpose. The costs of said legal proceedings, including counsel fees, shall be charged to and paid by the Treasurer from the Collector's expense account. All bills for accounts due the Town shall state that all checks, drafts or money orders shall be made payable to or to the order of the Town of Chelmsford.

SECTION 4 CONTRACTS BY TOWN OFFICERS - No officer or board of the Town shall make any contract on behalf of the Town in which such officer or any member of such board is directly or indirectly financially interested, except by competitive contracts.

SECTION 5 AGENTS FOR SUITS - The Board of Selectmen are authorized to act as agents of the Town in any suit or suits which may arise with authority to settle and adjust claims or demands for or against the Town; and to employ counsel whenever in their judgment it is necessary.

SECTION 6 REVOCATION OF APPOINTMENT - Whenever an appointment to an uncompensated Town office is revoked, the appointing authority shall cause a written notice of that action, along with a statement of the specific reason or reasons therefor, to be sent within forty-eight (48) hours by registered mail to the affected individual at his last known address.

This requirement shall apply to revocation only, and not to a decision against reappointment at the expiration of a fixed term.

. Under Article IV Financial Regulations delete Sections
inclusive in their entirety and substitute the following:

ECTION 1 ANNUAL BUDGET PROCESS- The Town Manager shall
i to the Finance Committee a proposed budget and capital
o ement program for the ensuing fiscal year with an
m anying budget message and supporting documents as set forth
Se tion 6-2 of the Chelmsford Home Rule Charter at least ninety
ays prior to the spring session of the annual Town Meeting.

ECTION 2 FEES - TOWN CLERK AND TREASURER - All fees
i ed by the Town Clerk and Town Treasurer by virtue of their
c shall be paid into the Town Treasury.

		Prior to 12/1/90	Effective 12/1/90
(1)	For filing and indexing assignment for the benefit of creditors	$10.00	$10.00
(2)	For entering amendment of a record of the birth of an illegitimate child subsequently legitimized	$5.00	$10.00
(3)	For correcting errors in a record of birth	$5.00	$10.00
(4)	For furnishing certificate of a birth	$3.00	$ 5.00
(5)	For furnishing an abstract copy of a record of birth	$2.00	$ 3.00
(6)	For entering delayed record of birth	$5.00	$10.00
(7)	For filing certificate of a person conducting business under any title other than his real name	$10.00	$20.00
(8)	For filing by a person conducting business under any title other than his real name, or statement of change of his residence, or of his discontinuance, retirement or withdrawal from or a change of location of such business	$5.00	$10.00
(9)	For furnishing certified copy of certificate of person conducting business under any title other than his real name or a statement by such person of his discontinuance,		

		Prior to 12/1/90	Effective 12/1/90
	retirement or withdrawal from such business	$3.00	$ 5.00
10)	For recording the name and address, the date and number of the certificate issued to a person registered for the practice of podiatry in the Commonwealth	$10.00	$20.00
11)	For correcting errors in a record of death	$5.00	$10.00
12)	For furnishing a certificate of death	$3.00	$ 5.00
13)	For furnishing an abstract copy of a record of death	$2.00	$ 3.00
14)	For entering notice of intention of marriage and issuing certificates thereof	$10.00	$20.00
15)	For entering certificate or marriage filed by persons married out of the Commonwealth	$3.00	$ 5.00
16)	For issuing certificate of marriage	$3.00	$ 5.00
17)	For furnishing an abstract copy of record of marriage	$2.00	$ 3.00
18)	For correction errors in record of marriage	$5.00	$10.00
19)	For recording power of attorney	$5.00	$10.00
20)	For recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof	$10.00	$20.00
21)	For recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth	$10.00	$20.00
22)	For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof and increase in the number of wires and cable or attachments under the provisions of Sec. 22 of Chap. 166	$25.00	$40.00

	Prior to 12/1/90	Effective 12/1/90
Additional fee for each street or way included in such order	$5.00	$10.00
(3) For examining records or papers relating to birth, marriage or deaths upon the application of any person, the actual expense thereof, but not less than $5.00	Actual Expense	
(4) For copying any manuscript or record pertaining to a birth, marriage or death	$3.00	$ 5.00 per page
(5) For receiving and filing of a complete inventory of all items to be included in a "closing out sale", etc.		
First page	$2.00	$10.00
Each additional page	$2.00	$ 2.00
(6) For filing a copy of written instrument or declaration of trust by the trustees of an association or trust, or any amendment thereof as provided by Sec. 2, Chap. 182	$10.00	$20.00
(7) For recording deed of lot or plot in a public burial place or cemetery	$5.00	$10.00
(8) Recording of any other document		
First page	$5.00	$10.00
Each additional page	$2.00	$ 2.00
(9) For licenses, registrations, or certificates of the Fire Department issued pursuant to Gen. Law. Chap. 148 Sec. 13		
(a) Each new license application, etc.	$50.00	$50.00
(b) Each renewal application, etc.	$25.00	$25.00

ECTION 3 COLLECTIVE BARGAINING ITEMS - Any budget item
ed at any annual or special Town Meeting for salaries or
yment of any benefit or expense that is the subject of
ive bargaining shall accurately reflect the most recently
ated or agreed payment and shall not be inflated to reflect
pated negotiated contractual amounts.

ECTION 4 CAPITAL PLANNING COMMITTEE - A committee to be
as the Capital Planning Committee shall be established and
e composed of the following members: The Town Accountant
oting member), the Town Treasurer, one (1) member

gnated by the School Committee, one (1) member designated by
Finance Committee, one (1) member designated by the Board of
ary Trustees, and two (2) citizens of the Town of Chelmsford
e appointed by the Board of Selectmen who are neither a
cipal employee of the Town or an elected or appointed Town
cial except that they may be Town Meeting Members. The
ittee shall study proposed capital outlays having a useful
of a least one (1) year or the acquisition of land. The
ittee shall promulgate rules and regulations, make such
stigations and hold public hearings as it deems appropriate.

n Poulton questioned what would the impact be if the CLT vote
Town Counsel, James Harrington, explained that a Special Town
would have to be called and further action would be taken. The
r announced that absentee ballots are now available at the Town
Office for the November 6th election. Seeing that there was no
business at hand he declared the meeting adjourned. The Meeting
d at 10:35 PM.

. McHugh, Moderator

Mary E. St.Hilaire,Town Clerk

TOWN WARRANT FOR STATE ELECTION
NOVEMBER 6, 1990
COMMONWEALTH OF MASSACHUSETTS

DLSEX, SS.

th Constable of the Town of Chelmsford:

ETING:

th name of Commonwealth you are hereby required to notify and
n he Inhabitants of said Town who are qualified to vote in
ctions to vote at:

cinct 1: Town Offices Gymnasium, 50 Billerica Road
cinct 2: Harrington School Gymnasium, 120 Richardson Road
cinct 3: Harrington School Gymnasium , 120 Richardson Road
cinct 4: Westlands School Cafeteria, 170 Dalton Road
cinct 5: Byam School Cafetorium, 25 Maple Road
cinct 6: Westlands School Cafeteria, 170 Dalton Road
cinct 7: McCarthy Middle School Small Gymnasium, 250 North Road
cinct 8: McCarthy Middle School Small Gymnasium, 250 North Road
cinct 9: Town Offices Gymnasium, 50 Billerica Road

Tuesday the sixth day of November, 1990, FROM 7:00 A.M. to 8:00
. or the following purposes:

o cast their votes in the State Election for the candidates of
itical parties for the following offices:

ENATOR	FOR THE COMMONWEALTH
ERNOR	" " "
GOVERNOR	" " "
ORNEY GENERAL	" " "
REARY	" " "
ASURER	" " "
ITOR	" " "
RESENTATIVE IN CONGRESS	FIFTH CONGRESSIONAL DISTRICT
NCILLOR	THIRD COUNCILLOR DISTRICT
ATOR IN GENERAL COURT	FIFTH MDSX. SENATORIAL DISTRICT
RESENTATIVE IN GENERAL COURT	SIXTEENTH MDSX. REPRESENTATIVE DISTRICT
TRICT ATTORNEY	NORTHERN DISTRICT
ISTER OF PROBATE	MIDDLESEX COUNTY
UNTY TREASURER	MIDDLESEX COUNTY
UNTY COMMISSIONER	MIDDLESEX COUNTY

o vote on the following questions:

QUESTION 1 Proposed Amendment to the Constitution

o approve of the adoption of an amendment to the constitution
a ized below, which was approved by the General Court in joint
i s of the House of Representatives and the Senate on December
1 7 by a vote of 180 to 6, and on June 11, 1990 by a vote of 186
?

SUMMARY

T e proposed constitutional amendment would repeal the
t utional provision that a state census be taken and used as the
s for determining state representative, senatorial and councillor
r cts. The proposed constitutional amendment would provide that
f deral census shall be the basis for determining such districts.

YES
NO

QUESTION 2 Law Proposed by Initiative Petition

o approve of a law summarized below, on which no vote was taken
h Senate or House of Representatives before May 2, 1990?

SUMMARY

T e proposed law would place restrictions on the State's use of
u ants. It would place various limits on the amount of profit,
h ad charges and expenses that the Senate could pay consultants.
o d limit the duration of consultant contracts to two years and
e ension to one year, and it would limit the degree to which
ontracts could be changed to require payments in excess of the
i al contract. The proposed law would limit to $100,000 the
n the State could pay on a consultant contract with an
v dual and would require all other consultant contracts in excess
2 000.00 to be sought through competitive bidding. It would
i t consultants from supervising State employees, and it would
t he use of consultants as substitutes for State employee
t ons.
I addition, the proposed law would place limits on that total
n of money State agencies, departments and Authorities could
d n consultants each year. Subsidiary provisions would also
b sh a method for these entities to gradually come into
l nce with the new spending limits and would give authority to
S te Secretary of Administration and Finance, on request, to
i some spending in excess of the new limits. The proposed law
d lso require State agencies, departments and Authorities as
a the Secretary of Administration and Finance to submit yearly
r concerning the State's consultant contracts to certain
s tive committees and to the Inspector General.

Finally, the proposed law provides that any of its provisions, if d by a court to be unconstitutional or otherwise unlawful, would e ered from the law and the remaining provisions would continue f ect.

YES
NO

QUESTION 3 Law Proposed by Initiative Petition

o approve of a law summarized below, on which no vote was taken h Senate or the House of Representatives before May 2, 1990?

SUMMARY

This proposed law would change the state income tax rate, affect u ge contained in certain tax provisions, and regulate the i g of gees by state agencies and authorities.
The proposed law would set the state income tax rate on Part B b e income (in general, earned income) at 4.25% for 1991 and 5 for 1992, except for income from unemployment compensation, o y, Massachusetts bank interest, rental income, pension and i y income, and IRA/Keough deductions, which would be taxed at

The proposed law also provides that the fee imposed by any state c or authority shall be no more than the fee that was in effect r before June 30, 1988. The state Secretary of Administration d determine the amount to be charged for any service, s ration, regulation, license, fee, permit or other public t on, except for the rates of tuition or fees at state colleges u iversities or any fees or charges relative to the n istration and operation of the state courts. Any increase or e se in a fee, or the establishment of any new fee, would require a proval of the Legislature. Any increase in a fee would not y to persons 65 years of age or older. No state agency or o ity could collect any fee which exceeds the administrative s directly incurred by the state agency or authority to produce p ocess the application for any license or permit. The Secretary d inistration must report information concerning fees to the s ature on an annual basis.
The proposed law provides that for tax periods commencing on or r January 1, 1991, language in certain provision of the a usetts general laws relating to taxes shall be the same as it o August 2, 1989, or the effective date of the proposed law, h ver language yields less tax revenue. The tax provisions c ed include sections relating to the surtax on business income, o ate excise taxes, S corporation taxes, taxes on security o ations, taxes on Part A income (in general, unearned income), taxes, excise taxes on alcoholic beverages and cigarettes, se taxes on deeds, estate taxes, payments to the Commonwealth t g to horse and dog racing, payment to the Commonwealth t g to boxing and sparring matches, taxes on utility companies, l e taxes, taxes on insurance companies, excise taxes on motor c s, taxes on urban redevelopment corporations, sales tax, use oom occupancy excise tax, property taxes, and taxes on proceeds raffles and bazaars.

h proposed law also contains a provision that if any sections e law are held to be invalid, all other sections of the law are m in in effect.

YES
NO

QUESTION 4 Law Proposed by Initiative Petition

u approve of a law summarized below, on which no vote was taken e Senate or House of Representatives before May 2, 1990?

SUMMARY

h s proposed law would change the state election laws governing s ablishment of political parties and the nomination of d tes.
h proposed law would allow voters to register under a political n tion other than "independent" and in addition to the two i al parties previously recognized by law (Republican or r t), if at least fifty voters request to be permitted to do so.
u d allow any group to qualify as a political party under c usetts law if at least one percent of the total number of t red voters register to vote using that group's political n tion, or if at least three percent of the votes cast at the d ng election for any statewide office were cast for a candidate n under that group's political designation.
h proposed law would set the minimum number of signatures d on independent or minor part nomination papers for state e at one-half of one percent (1/2%) of the entire vote cast in r vious state election for governor (as compared to 2% as of , and would also establish this number of signatures as the limit needed for major party candidates. The proposed law also permit voters to sign the nomination papers of any number n idates for the same office, would require that all blank forms sed for nomination papers and initiative and referendum i ns be no more than 8 1/2" by 14" in size, and would allow t res to be collected on exact copies of those forms.

YES
NO

QUESTION 5 Law Proposed by Initiative Petition

u approve of a law summarized below, on which no vote was taken e Senate or the House of Representatives before May 2, 1990?

SUMMARY

h s proposed law would regulate the distribution to cities and d the Local Aid Fund, which consists of at least 40% of the u e generated by the state income, sales and corporate taxes, as a s the balance of the State Lottery Fund.

Subject to appropriation by the legislature, the State Treasurer d distribute the Local Aid Fund to cities and towns on a rterly basis, and each city of town would receive at least the mount of local aid it received in the previous fiscal year es the total Local Aid Fund decreases. In fiscal year 1992, if re has been any increase over the fiscal year 1989 fund, half of i crease would be distributed in accordance with the distribution nu a used for fiscal year 1989, and half would be distributed to ity and town in proportion to its population.
I each year after 1992, if the fund increase, the excess would di tributed through a formula devised by the state Secretary of n stration and Finance, with the advice and consent of the Local er ment Advisory Committee. If the fund decreases after 1992, own or city will have the amount it receives decreased by the ercentage.
This proposed law also requires that the Treasurer publish an ua report about the Local Aid Fund, that the state Auditor i n an annual audit of the Account, and that the Secretary of n stration and Finance issue to each city and town an estimate of ds it will receive from the Local Aid Fund.
Each city of town would be allowed to bring a lawsuit to force tr bution of the account, and would be entitled to a late payment i distribution is not timely.

YES
NO

QUESTION 6 THIS QUESTION IS NOT BINDING

l radio and television broadcast outlets be required to give free e ual time to all certified candidates for public office in the no wealth?

YES
NO

QUESTION 7 Middlesex County Land Transfers

l Middlesex county elect to transfer to the Commonwealth all nt title and interest held by said county in:

The Superior Court House building and land in Lowell, sachusetts

The Superior Court House building and land in Cambridge, sachusetts

The Probate Court/Registry of Deed building and land in br dge, Massachusetts occupied by the judicial branch and owned by county?

YES
NO

eof fail not and make return of the warrant with your doings red at the time and place of said election.

ai not and make return of this warrant with your doings thereon

im and place of said meeting.

de our hands this 24th day of October , A.D. 1990.

BOARD OF SELECTMEN OF TOWN OF CHELMSFORD

Bonita A. Towle, Chairman

Dennis J. Ready, Vice Chairman

Henrick R. Johnson, Jr, Clerk

Bradford O. Emerson

Roger A. Blomgren

COMMONWEALTH OF MASSACHUSETTS

SE:, SS 10-25-90

t to the within warrant, I have notified and warned the
ats of the Town of Chelmsford by posting up attested
o same at the following places, to wit:
ffice Building Gym, Harrington School Gymnasium, Harrington
Gmnasium, Westland School Cafeteria, Byam School
im, Westland School Cafeteria, McCarthy Middle School
Gymnasium, McCarthy Middle School Small Gymnasium, and Town
Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence,
Constable

Copy Attest, William E. Spence
William E. Spence, Constable

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTALS	%
SENATOR IN CONGRESS											
Blanks	44	55	52	63	43	67	53	38	40	455	2.9%
John F. Kerry	831	895	786	765	853	810	900	815	793	7,448	46.9%
Jim Rappaport	778	898	813	795	1,027	888	971	801	920	7,891	49.7%
	0	0	0	0	0	0	0	0	0	0	0.0%
Write-In	4	1	1	5	2	1	1	1	2	18	0.1%
Misc*	7	9	5	6	5	7	7	5	10	61	0.4%
TOTAL	1,664	1,858	1,657	1,634	1,930	1,773	1,932	1,660	1,765	15,873	
GOVERNOR & LT GOVERNOR											
Blanks	26	24	21	32	28	23	29	21	26	230	1.4%
Silber & Clapprood	668	725	669	689	670	720	703	678	680	6,202	39.1%
Weld & Cellucci	919	1,075	926	874	1,162	984	1,157	916	999	9,012	56.8%
Umina & DeBerry	48	30	36	34	64	41	32	40	51	376	2.4%
Dorothy Stevens, W/In	0	0	1	0	0	0	0	1	0	2	0.0%
Write-In	2	3	3	3	1	0	9	1	6	28	0.2%
Misc*	1	1	1	2	5	5	2	3	3	23	0.1%
TOTAL	1,664	1,858	1,657	1,634	1,930	1,773	1,932	1,660	1,765	15,873	
ATTORNEY GENERAL											
Blanks	70	76	70	75	58	78	78	40	66	611	3.8%
L. Scott Harshbarger	949	1,023	947	959	1,051	1,015	1,039	944	949	8,876	55.9%
William C. Sawyer	643	753	638	599	815	676	808	675	745	6,352	40.0%
	0	0	0	0	0	0	0	0	0	0	0.0%
Write-In	0	0	0	1	6	1	2	1	0	11	0.1%
Misc*	2	6	2	0	0	3	5	0	5	23	0.1%
TOTAL	1,664	1,858	1,657	1,634	1,930	1,773	1,932	1,660	1,765	15,873	
SECRETARY OF STATE											
Blanks	113	156	98	116	132	126	145	114	119	1,119	7.0%
Michael J. Connolly	550	600	543	610	583	589	554	541	537	5,107	32.2%
Paul McCarthy	749	838	794	698	905	823	955	758	837	7,357	46.3%
Barbara F. Ahern	248	260	222	208	307	233	277	246	265	2,266	14.3%
	0	0	0	0	0	0	0	0	0	0	0.0%
Write-In	1	1	0	2	1	1	0	1	0	7	0.0%
Misc*	3	3	0	0	2	1	1	0	7	17	0.1%
TOTAL	1,664	1,858	1,657	1,634	1,930	1,773	1,932	1,660	1,765	15,873	
TREASURER											
Blanks	70	84	79	71	85	82	97	75	74	717	4.5%
William Francis Galvin	453	535	431	473	470	434	418	471	467	4,152	26.2%
Joseph D. Malone	1,038	1,138	1,044	1,004	1,251	1,163	1,296	1,019	1,130	10,083	63.5%
C. David Nash	98	99	102	85	123	93	120	93	91	904	5.7%
	0	0	0	0	0	0	0	0	0	0	0.0%
Write-In	3	0	1	1	1	1	1	0	0	8	0.1%
Misc*	2	2	0	0	0	0	0	2	3	9	0.1%
TOTAL	1,664	1,858	1,657	1,634	1,930	1,773	1,932	1,660	1,765	15,873	

OFFICES & CANDIDATES											
AUDITOR											
Blanks	133	170	134	131	148	143	168	130	147	1,304	8.2%
A. Joseph DeNucci	660	749	675	709	731	716	734	668	645	6,287	39.6%
Douglas J. Murray	712	787	710	661	879	793	864	707	809	6,922	43.6%
Steven K. Sherman	152	147	137	131	169	119	163	152	160	1,330	8.4%
	0	0	0	0	0	0	0	0	0	0	0.0%
Write-In	0	0	0	1	0	1	0	0	1	3	0.0%
Misc*	7	5	1	1	3	1	3	3	3	27	0.2%
TOTAL	1,664	1,858	1,657	1,634	1,930	1,773	1,932	1,660	1,765	15,873	
REP. IN CONGRESS											
Blanks	53	71	55	58	54	55	70	46	64	526	3.3%
Chester G. Atkins	772	805	760	722	850	801	863	762	768	7,103	44.7%
John F. MacGovern	835	976	841	852	1,023	912	993	848	929	8,209	51.7%
	0	0	0	0	0	0	0	0	0	0	0.0%
Write-In	0	0	0	1	0	2	1	0	0	4	0.0%
Misc*	4	6	1	1	3	3	5	4	4	31	0.2%
TOTAL	1,664	1,858	1,657	1,634	1,930	1,773	1,932	1,660	1,765	15,873	
COUNCILLOR											
Blanks	162	190	163	138	183	174	221	152	163	1,546	9.7%
Robert B. Kennedy	650	761	602	745	668	664	663	662	603	6,018	37.9%
Thomas F. Healy	849	903	890	750	1,071	930	1,044	843	995	8,275	52.1%
	0	0	0	0	0	0	0	0	0	0	0.0%
Write-In	0	0	1	1	0	2	0	1	0	5	0.0%
Misc*	3	4	1	0	8	3	4	2	4	29	0.2%
TOTAL	1,664	1,858	1,657	1,634	1,930	1,773	1,932	1,660	1,765	15,873	
SENATOR IN GENERAL CT											
Blanks	111	161	117	114	117	124	146	120	119	1,129	7.1%
Lucile "Cile" P. Hicks	1,027	1,086	1,073	954	1,261	1,137	1,265	976	1,168	9,947	62.7%
Bryan P. McCarthy	520	605	464	563	549	510	509	561	471	4,752	29.9%
	0	0	0	0	0	0	0	0	0	0	0.0%
Write-In	0	3	0	1	0	1	3	0	0	8	0.1%
Misc*	6	3	3	2	3	1	9	3	7	37	0.2%
TOTAL	1,664	1,858	1,657	1,634	1,930	1,773	1,932	1,660	1,765	15,873	
REP. IN GENERAL COURT											
Blanks	308	338	253	287	327	290	326	292	289	2,710	17.1%
Carol C. Cleven	1,316	1,486	1,368	1,320	1,572	1,448	1,573	1,336	1,440	12,859	81.0%
	0	0	0	0	0	0	0	0	0	0	0.0%
Write-In	7	5	10	7	6	6	12	5	10	68	0.4%
Misc*	33	29	26	20	25	29	21	27	26	236	1.5%
TOTAL	1,664	1,858	1,657	1,634	1,930	1,773	1,932	1,660	1,765	15,873	

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTALS	%
DISTRICT ATTORNEY											
Blanks	616	662	621	536	772	688	825	662	712	6,094	38.4%
Thomas F. Reilly	1,008	1,142	985	1,065	1,103	1,050	1,058	970	997	9,378	59.1%
	0	0	0	0	0	0	0	0	0	0	0.0%
Write-In	8	2	13	12	5	8	3	1	2	54	0.3%
Misc*	32	52	38	21	50	27	46	27	54	347	2.2%
TOTAL	1,664	1,858	1,657	1,634	1,930	1,773	1,932	1,660	1,765	15,873	
REGISTER OF PROBATE											
Blanks	238	315	260	216	308	264	334	259	268	2,462	15.5%
Donna M. Lambert	825	922	859	789	991	916	1,027	816	919	8,064	50.8%
Thomas J. Larkin	593	613	533	628	623	584	560	578	574	5,286	33.3%
	0	0	0	0	0	0	0	0	0	0	0.0%
Write-In	1	1	1	1	0	2	1	0	0	7	0.0%
Misc*	7	7	4	0	8	7	10	7	4	54	0.3%
TOTAL	1,664	1,858	1,657	1,634	1,930	1,773	1,932	1,660	1,765	15,873	
COUNTY TREASURER											
Blanks	263	344	296	252	326	298	382	277	301	2,739	17.3%
James E. Fahey Jr	550	603	501	597	584	560	530	533	510	4,968	31.3%
Walter Fish	837	897	853	781	1,009	910	1,012	843	945	8,087	50.9%
	0	0	0	0	0	0	0	0	0	0	0.0%
Write-In	0	0	0	1	0	1	0	0	1	3	0.0%
Misc*	14	14	7	3	11	4	8	7	8	76	0.5%
TOTAL	1,664	1,858	1,657	1,634	1,930	1,773	1,932	1,660	1,765	15,873	
COUNTY COMMISSIONER											
Blanks	668	729	693	601	815	753	913	715	757	6,644	41.9%
Francis X. Flaherty	948	1,067	918	1,003	1,056	981	969	915	951	8,808	55.5%
	0	0	0	0	0	0	0	0	0	0	0.0%
Write-In	0	4	10	13	7	10	5	4	3	56	0.4%
Misc*	48	58	36	17	52	29	45	26	54	365	2.3%
TOTAL	1,664	1,858	1,657	1,634	1,930	1,773	1,932	1,660	1,765	15,873	
QUESTION 1											
Blanks	75	87	37	103	66	88	57	61	59	633	4.0%
Yes	1,324	1,477	1,404	1,267	1,586	1,449	1,626	1,361	1,476	12,970	81.7%
No	265	294	216	264	278	236	249	238	230	2,270	14.3%
TOTAL	1,664	1,858	1,657	1,634	1,930	1,773	1,932	1,660	1,765	15,873	
QUESTION 2											
Blanks	52	50	28	66	48	57	44	33	33	411	2.6%
Yes	843	935	806	813	983	887	929	840	967	8,003	50.4%
No	769	873	823	755	899	829	959	787	765	7,459	47.0%
TOTAL	1,664	1,858	1,657	1,634	1,930	1,773	1,932	1,660	1,765	15,873	

QUESTION 3											
[illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Yes		726	884	714	746	921	799	886	775	850	7,301	46.0%
No		909	945	927	849	983	950	1,027	871	903	8,364	52.7%
	TOTAL	1,664	1,858	1,657	1,634	1,930	1,773	1,932	1,660	1,765	15,873	
QUESTION 4												
Blanks		89	113	63	116	87	107	85	82	88	830	5.2%
Yes		896	970	849	853	1,060	911	1,031	895	1,011	8,476	53.4%
No		679	775	745	665	783	755	816	683	666	6,567	41.4%
	TOTAL	1,664	1,858	1,657	1,634	1,930	1,773	1,932	1,660	1,765	15,873	
QUESTION 5												
Blanks		99	120	80	112	100	116	96	83	81	887	5.6%
Yes		1,044	1,161	1,033	1,038	1,224	1,161	1,259	1,049	1,128	10,097	63.6%
No		521	577	544	484	606	496	577	528	556	4,889	30.8%
	TOTAL	1,664	1,858	1,657	1,634	1,930	1,773	1,932	1,660	1,765	15,873	
QUESTION 6												
Blanks		89	141	74	117	95	121	107	96	98	938	5.9%
Yes		872	919	860	806	969	874	955	850	937	8,042	50.7%
No		703	798	723	711	866	778	870	714	730	6,893	43.4%
	TOTAL	1,664	1,858	1,657	1,634	1,930	1,773	1,932	1,660	1,765	15,873	
QUESTION 7												
Blanks		257	368	250	268	338	308	355	259	297	2,700	17.0%
Yes		728	711	758	706	824	798	830	691	719	6,765	42.6%
No		679	779	649	660	768	667	747	710	749	6,408	40.4%
	TOTAL	1,664	1,858	1,657	1,634	1,930	1,773	1,932	1,660	1,765	15,873	

WARRANT FOR THE SPECIAL TOWN MEETING
DECEMBER 3, 1990

LSEX, SS.

T the constable, or any other suitable person of the Town
helmsford:

tngs:

I the name of the Commonwealth aforesaid, you are hereby
eted to notify and warn the town meeting representatives of
helmsford to meet in the McCarthy Middle School Auditorium
oday, the third day of December, at 7:30 p.m. o'clock in
eening, then and there to act upon the following Articles,

ce 1. To see if the Town will vote to amend Article XII of
Mbil Home Park Rent Control By-Law, by adding the following
graph to Section 8 as follows:

5. The Board shall have the power to approve any lease
eitered into by the Owner of any Mobil Home Park and tenants
o the Park provided said lease is approved by the Owner and
a majority of the tenants in the Park and the Board finds
tat said Owner and tenants have been represented by counsel
i the lease negotiations, or said lease is approved by the
Superior Court of the Commonwealth of Massachusetts.

act in relation thereto.

RENT CONTROL BOARD

ce 2. To see if the Town will vote to amend Article VI
ins 21 Unregistered Motor Vehicle By-Law of the General
a by deleting paragraph one and inserting in its place the
oing:

1. Except as may be provided herein, not more than one
unregistered motor vehicle shall be placed, stored, or kept
o property except property used for business or industrial
purposes. No unregistered motor vehicle shall be stored,
placed or kept on a "paper street" or private way. All
privately owned unregistered motor vehicles shall be stored,
placed and kept on private property.

act in relation thereto.

CHIEF OF POLICE

ic e 3. To see if the Town will vote to approve and confirm
ctions taken at the October 1, 1990 and October 15, 1990
sions of the Fall 1990 Annual Town Meeting, the record of
cH is available for inspection at the office of the Town
rk or act in relation thereto.

BOARD OF SELECTMEN

ic e 4. To see if the Town will vote pursuant to MGL Chapter
, o amend the Chelmsford Home Rule Charter as follows:

1 By deleting paragraph (a) Time of Meeting of Section 2-12
celures in its entirety and inserting in its place the
lowing:

(a) Time of Meeting
The representative Town Meeting shall meet at least twice
n calendar year. These two meetings shall constitute the
ua Town Meeting of the Town and shall be held in two
sions to be known as the Spring Annual Town Meeting and the
l nnual Town Meeting. Each session of the Annual Town
ting shall be called by separate warrant. The Spring Annual
n eeting shall be held in April on a date fixed by by-law
shall include the election of town officers and other
tes to be determined by ballots and is expected to be
mainly concerned with the determination of matters involving
expenditure and commitment of town funds, including but not
ited to the adoption of an annual operating budget for all
n gencies.

The Fall Annual Town Meeting shall be held in October on a
e ixed by by-law and shall be deemed to have all the powers
an Annual Town Meeting except that it shall not be construed
include the time for the election of town officers and other
tes to be determined by ballot. The Selectmen shall insert
th warrants for both sessions of the Annual Town Meeting all
jects the insertion of which shall be requested of them in
ting by ten or more registered voters of the Town, in the
ne provided under the laws of the Commonwealth.

The board of selectmen may, in any manner provided under the
s f the commonwealth or the charter, for the purpose of
im upon the legislative business of the town in an orderly
expeditious manner, call the town meeting into session at
er times by the issuance of warrants therefor.

at in relation thereto.

BOARD OF SELECTMEN

ic e 5. To see if the Town will vote to accept the following
tioned street, as laid out by the Board of Selectmen and
wn by their reports duly filed in the office of the Town
rk

1. Natalie Road

Providing all the construction of the same meets with the
irements of the Board of Selectmen, and subject to the
holding of any remaining bonds until such requirements have
met and to see if the Town will vote to authorize the Board
electmen to acquire any and all temporary and/or permanent
ments, and any property in fee simple, with trees thereon,
urchase, eminent domain, or otherwise, for the purpose of
ring traffic safety and road improvements, and to see if the
will vote to raise and appropriate, transfer and
opriate from available funds, transfer and appropriate from
Stabilization Fund, and/or borrow a certain sum of money to
ay all necessary costs, fees and expenses in connection with
acquisition of said land and for paying any damages which
be awarded as a result of any such taking; and to see if the
will vote to authorize the Board of Selectmen to negotiate
execute all necessary and proper contracts and agreements
eto; or act in relation thereto.

BOARD OF SELECTMEN

cle 6. To see if the Town will vote to transfer a certain
of money from the Insurance Sinking Fund to General
rment Expenses, Line Item #2, for the purpose of insurance
ctible reimbursement; or act in relation thereto.

BOARD OF SELECTMEN

cle 7. To see if the Town will vote to accept the
isions of Massachusetts General Laws, Chapter 148, Section
a statute regulating the installation of automatic
nkler systems in lodging houses or boarding houses; or act
elation thereto.

FIRE CHIEF

cle 8. To see if the Town will vote to accept the
isions of Massachusetts General Laws, Chapter 148, Section
a statute regulating the installation of automatic
nkler systems in new or rehabilitated multi-unit residential
ctures; or act in relation thereto.

FIRE CHIEF

ail not and make return of this warrant with your doings thereon

ime and place of said meeting.

uder our hands this 13th day of November , A.D. 1990.

BOARD OF SELECTMEN OF TOWN OF CHELMSFORD

Bonita A. Towle, Chairman

Dennis J. Ready, Vice Chairman

Henrick R. Johnson, Jr, Clerk

Bradford O. Emerson

Roger A. Blomgren

COMMONWEALTH OF MASSACHUSETTS

E:, SS Nov 15, 1990

t to the within warrant, I have notified and warned the
a ts of the Town of Chelmsford by posting up attested
o same at the following places, to wit:
f ce Building Gym, Harrington School Gymnasium, Harrington
G mnasium, Westland School Cafeteria, Byam School
i m, Westland School Cafeteria, McCarthy Middle School
y nasium, McCarthy Middle School Small Gymnasium, and Town
B ilding Gym, and Town Office Building Lobby.

Signed:

William E. Spence
William E. Spence,
Constable

Copy Attest, William E. Spence
William E. Spence, Constable

SPECIAL TOWN MEETING
December 3, 1990

Special Town Meeting was called to order at 7:40 PM at the Middle School Auditorium by the Moderator Dennis E. McHugh, cognized the presence of a quorum. There were 125 Representative eting Members present.

Moderator pointed out the fire exits located within the hall. over the Town Meeting procedures.

lectman Bonita Towle moved that the reading of the Constable's of service and the posting of the warrant be waived. It was so nanimously. Selectman Towle then moved that the reading of the arrant be waived. Cheryl Warshafsky asked for clarification on ose of the meeting. Town Manager Bernard Lynch explained that alled in order to act upon the rent control article appearing ticle one. He further explained that the body had to ratify the aken at the October 1st and 15th meeting, which appears under 3. According to Bond Counsel, the warrant must be posted 14 or to the date of the fall meeting, as required by State statue. wn's by-law and Charter allowed for two annual meetings to be one year. One in the spring and the second in the fall, which equire only posting 7 days prior to the meeting. A discussion lace. Cheryl Warshafsky asked if each article would be brought a vote. Town Counsel, James Harrington, explained that only te is required to ratify the action which took place on all the es. No article will be voted on individually. Sam Poulten ned the warrant, he felt that the Town Meeting Representatives have enough notice for any opportunity to submit articles for any Town Meeting Warrant. The Moderator proceeded with the meeting. ed for the vote on the waiving of the reading of the entire t. It was so voted, unanimously.

Moderator made a few announcements. He requested a moment of in respect for James McKeown, a former member of the Sewer ion, who passed away on November 29th. He mentioned that tonight e Finance Committee member, Bill Logan's last meeting, and Mr Logan for all his work. He then announced that Edward l and Ann Graham were appointed to the Finance Committee and d them. The Town Meeting members acknowledged the Finance ee's news with a round of applause.

ER ARTICLE 1 Susan Gates, Chairman of the Rent Control Board, hat the Town vote to amend Article XII Mobil Home Park Rent By-law of the General By-laws by adding the following paragraph ion 6 as follows:

e Board shall have the power to approve any lease entered into by er of any Mobil Home Park and tenants of the Park provided said s approved by the Owner and a majority of the tenants in the Park Board finds that said Owner and tenants have been represented by in the lease negotiations, or said lease is approved by the r Court of the Commonwealth of Massachusetts.

an Gates explained that this was an housekeeping measure. The s allowed to amend their own by-laws when they want to. In order

void any conflict the Board is requesting that the Town's by-laws be de in order to say the same thing. The Finance Committee and the d of Selectmen were in favor of the article. Wayne Richardson, ident of the Citizens for Action Chelmsford Mobile Home Park, spoke elf of the members of his organization. He thanked the different ds and offices, that have helped him over the last nine years. He ained that the majority of the tenants who belong to this nization approve of the lease being offered by the owner. It will thirty year lease, beginning January 1, 1991 and binds the present r and any subsequent owner of the park and any present or future nt. This lease will be approved by the Superior Court of achusetts. He asked for the support of the article. Linda Allen is a homeowner in the park, said she was against the article. David chman asked her to explain why she was against the article. She that a lease with present owner won't work. The rents will be eased and that the Rent Control Board won't have any say. Susan s explained that this is not an approval of the lease, it only gives Rent Control Board the power to approve leases. This particular e which has been negotiated will not necessarily be approved by the d, it only gives the board the power and mechanism to approve it. A ussion took place. James Harrington Town Counsel explained that e has been an ongoing litigation between the tenants, homwowners and mobile park owners over the closing of the park. The owners want to e the park, the Attorney General's Office brought action against the rs The action has been before the courts for a number of years. Town was a party to the action, however it was successful by motion eing release from the law suit, so the Town is no longer a party to law suit. He explained that all the other parties involved have hed an agreement that the rent control board accept the lease. The e will then be submitted to the Superior Court in the form of an ement for judgement. The Judge will either approve it or disaprove The Town Counsel says he recommends to the Town Body and the Rent rol Board that the Town is not responsible for the rates set by ate parties, being the tenants and the park owners. ll those parties agreed by due process to resolve their differences he town shouldn't stand in the way. John Emerson moved the tion. The moderator attempted a voice vote which failed. The oving tellers came forward and a hand count was taken. Helen han, Jean Horgan, Michael McCall, and Dorothy Frawley. The result Yes 106, No 4, 2/3's is 73, the motion carried to stop debate. Moderator asked for a voice vote on the article. Motion carried.

UNDER ARTICLE 2 Selectman Bonita Towle moved that the Town vote to d Article VI Section 21 Unregistered Motor Vehicle By-Law of the ral By-Law by deleting paragraph one and inserting in its place the owing:

1) Except as may be provided herein, not more than one gistered motor vehicle shall be placed, stored, or kept on property pt property used for business or industrial purposes. No gistered motor vehicle shall be stored, placed or kept on a "paper et" or private way. All privately owned unregistered motor vehicles l be stored, placed and kept on private property.

Town Manager Bernard Lynch explained that this article was submitted e request of the Police Department, who worked with Town Counsel on wording. The zoning by-law permits no more than two (2) gistered motor vehicles or trailers stored on any property. This d allow one (1) car to be stored and require a permit at no charge, he Board of Selectmen for the second car. The Finance Committee

have any recommendation. William Spence spoke against the . Due to the current economical status of a lot of the residents town at this time, cars may be taken off the road because of the st of insurance etc. He agreed that the resident who has more o cars stored on the property does abuse the law, but why should ident who may do this as a temporary measure be penalized? He hat this is not a necessary article at this time. James Sousa bout the article. He wanted to have the law not apply to any s out of public view. If the vehicles are kept in a garage or a stockade fence then a permit shouldn't be required. He moved d the article by adding to the end "The provisions of this ph shall not apply to any motor vehicles stored out of public ". He explained the purpose of his motion. Selectman Henrick explained that he was in favor of the article because there e a lot of cars stored or abandoned on property and he felt that hould be some prevention control. Ronald Wetmore questioned who e responsible, the property owner or the owner of the motor ? James Harrington explained that the owner of the property is ible, but in the case of a landlord and owner of a motor vehicle th parties would be fined. Ronald Wetmore felt that this was . It shouldn't be the landlord's responsibilty. A discussion took . The Moderator asked for a voice vote on the motion to amend. defeated. The Moderator asked for a voice vote on the article, eft the chair in doubt, he asked for a show of hands, motion el.

ER ARTICLE 3 Selectman Bonita Towle moved that the Town vote to and confirm the actions taken at the Octorber 1, 1990 and 15, 1990 sessions of the Fall 1990 Annual Town Meeting, the of which is available for inspection at the office of the Town .

n Manager, Bernard Lynch, explained that due to a technical ement between the Town Counsel and Bond Counsel regarding the requirements of the October 1st warrant. Bond Counsel feels ll the action that took place at those two meetings must be d. The Finance Committee supported the article. Grace Dunn gainst the article. She questioned the $200,000.00 transfer of ce money, which was used to fund article 2. She felt it was money from the employees' health insurance trust fund that was nd wanted to know why the employees' health insurance premimums ed if there was a surplus. She felt the money shouldn't be used anything else but the insurance premimums. Bernard Lynch ed that because of two deficits in FY 1987, and 1988 the funds ised, thats why there was a excess, not a surplus. This is the ecouped prior to the fiscal year deficits. Samuel Poulten ned the wording of the warrant article vs the motion. He felt ividual article discussion should be allowed, not just sion on the one way or the other vote needed to ratify action of meetings. He wanted to discuss the issue of the laying of three en. Rose Sergi spoke against the layoffs and other issues. She bout areas where money could be saved in order to reinstate the en, and avoid layoffs. Bernard Lynch, Town Manager explained that as no funding available. He said that after reviewing the budget e Police Chief and taking the steps necessary in order to try and luce the police force, it became unavoidable and the layoffs must . A lengthy discussion took place. Roland Linstad explained the Union's request for an additional $75,000.00 when they appeared the Board of Selectmen, asked that the ratification not be More discussion took place. David McLachlan asked what was the

lar article that the Bond Counsel would not approve. James wicz, Treasurer and Financial Director said it was article four. ained that due to a difference in opinion with the posting ments, Bond Counsel would not approve the action taken under this . David McLachlan urged the Town Meeting Body to approve that . Cheryl Boss asked if the Town Meeting Representatives could where money can be spent within a budget, or if all they can is to approve the amounts. Town Council James Harrington ed that all the representatives do is vote on the amounts given. n not control where or how the money will be spent, that decision Town Manager's. Richard DeFreitas spoke against not being able uss or vote on the ratification of each article from the previous . More discussion took place, Samuel Poulten moved to add .00 to the Public Safety (Police). And to ratify the vote taken tal Outlay or Improvement. The Town Counsel ruled the motion out r. He said that this action could not take place. The Town body could only vote on ratifying the entire action as a whole previous meeting. The Moderator concured with Town Counsel's n. Samuel Poulten wanted to go on record as challenging the The question was raised on, if there was any money available for the postions. Dwight Haywood of the Finance Committee, said that king Fund had $17,000.00 available. James Doukszewicz said that as only the availablity of the sewer betterment money of 0.00. Bernard Lynch felt that the money should be kept aside for the anticipated shortfall of $1.4 million or the expansion of the roject. Liz Marshall spoke on being in favor of the article and he question. The Moderator ruled the discussion is to continue of his practice of not allowing statements and moving the n within the same speech. The discussion continued. Ronald wanted to table the article and the town meeting in order to urther opinion from the Attorney General's Office regarding this ation procedure. He moved to adjourn the meeting until Monday 7, 1991, at 7:30 PM, at the McCarthy Middle School. A ion took place. Ronald Gamache withdrew his motion to adjourn to certain. He then moved to adjourn the meeting. The Modertor ed the options of the motion. The Moderator asked for a voice hich left the chair in doubt. The tellers came forward and a unt was taken: Yes 73 No 47, motion carried to adjourn.

uel Poulten moved to withdraw his request to challenge the ruling fication, and wanted to know when the Selectmen were next meeting r to submit warrant articles. The Board of Selectmen announced ey will be meeting on Monday December 17th, and that they will be for a Special Town Meeting to be held on Monday January 7th,

Moderator announced for the Town Meeting Representatives to meet adjournment, within their precincts and choose among themselves son to represent the precinct on the newly formed Rules ee.

Moderator adjourned the meeting at 10:35 PM.

E. McHugh,Moderator

Mary E.St.Hilaire,Town Clerk

WARRANT FOR THE SPECIAL TOWN MEETING

JANUARY 7, 1991

IDLESEX, SS.

To the constable, or any other suitable person of the Town f Chelmsford:

etings:

In the name of the Commonwealth aforesaid, you are hereby equested to notify and warn the town meeting representatives of il Chelmsford to meet in the McCarthy Middle School Auditorium Monday, the seventh day of January, at 7:30 p.m. o'clock in e evening, then and there to act upon the following Articles, I:

rticle 1. To see if the Town will vote to approve and confirm he actions taken at the October 1, 1990 and October 15, 1990 ssions of the Fall 1990 Annual Town Meeting, the record of ich is available for inspection at the office of the Town erk.

Board of Selectmen

rticle 2. To see if the Town will vote to amend its action aken under Article 8 of the June 4, 1990 Annual Town Meeting by educing the sum of money to be raised and appropriated by 39,810 and by increasing the sum of money to be borrowed by 39,810 for a total sum to be borrowed $1,311,955; or act in elation thereto.

Town Manager

rticle 3. To see if the Town will vote to transfer the sum of 55,000 from sewer betterments, special revenue, to reduce the xempt portion of debt and interest for Fiscal Year 1992; or act n elation thereto.

Sewer Commission

rticle 4. To see if the Town will vote to raise and ppropriate, transfer and appropriate from available funds, of ransfer and appropriate from the sewer betterment funds the sum f 110,000 to the police department salary account, line item 3; or act in relation thereto.

Petition

rticle 5. To see if the Town will vote to raise and ppropriate, transfer and appropriate from available funds, or ransfer and appropriate from the sewer betterment funds, a

ain sum of money to the Fiscal Year 90-91 School Department
get, line item #6; or act in relation thereto.

School Committee

icle 6. To see if the Town will vote to raise and
propriate, transfer and appropriate from available funds, or
nsfer and appropriate from the sewer betterment funds the
llowing sums to the line items listed below:

ie	Account	Amount
1	Personnel Service	$35,000
2	Expenses	7,000
5	Books & Periodicals	32,785
	TOTAL	$74,785

act in relation thereto

Library Trustees

rticle 7. To see if the Town will vote to raise and
propriate, transfer and appropriate from available funds, or
nsfer and appropriate from the sewer betterment funds, the
m of $115,000 to Public Safety Salary Account, line item #8;
act in relation thereto.

Fire Department

rticle 8. To see if the Town will vote pursuant to MGL Chapter
3E, to amend the Chelmsford Home Rule Charter as follows:

1. By deleting paragraph (a) Time of Meeting of Section
-1 Procedures in its entirety and inserting in its place the
llowing:

(a) Time of Meeting

The representative town meeting shall meet at least twice
ach calendar year. These two meetings shall constitute the
nnual Town Meeting of the Town and shall be held in two
essions to be known as the Spring Annual Town Meeting and the
all Annual Town Meeting. Each session of the Annual Town
eeting shall be called by separate warrant. The Spring Annual
own Meeting shall be held in April on a date fixed by by-law
nd shall include the election of town officers and other
atters to be determined by ballots and is expected to be
rimarily concerned with the determination of matters involving
he expenditure and commitment of town funds, including but not
imited to the adoption of an annual operating budget for all
own agencies.

The Fall Annual Town Meeting shall be held in October on a
t fixed by by-law and shall be deemed to have all the powers
n Annual Town Meeting except that it shall not be construed
nclude the time for the election of town officers and other
ters to be determined by ballot. The Selectmen shall insert
he warrants for both sessions of the Annual Town Meeting all
bects the insertion of which shall be requested of them in
i ing by ten or more registered voters of the Town, in the
ner provided under the laws of the Commonwealth.

The Board of Selectmen may, in any manner provided under
e laws of the Commonwealth or the charter, for the purpose of
t ng upon the legislative business of the town in an orderly
d expeditious manner, call the Town Meeting into session at
h r times by the issuance of warrants therefor; or act in
l tion thereto.

Board of Selectmen

t cle 9. To see if the Town will vote to accept the following
n ioned street, as laid out by the Board of Selectmen and
o n by their reports duly filed in the office of the Town
e k:

1. Natalie Road

Providing all the construction of the same meets with the
q irements of the Board of Selectmen, and subject to the
t holding of any remaining bonds until such requirements have
e met; and to see if the Town will vote to authorize the
a d of Selectmen to acquire any and all temporary and/or
r anent easements, and any property in fee simple, with trees
e eon, by purchase, eminent domain, or otherwise, for the
r ose of securing traffic safety and road improvements; and to
f the Town will vote to raise and appropriate, transfer and
p opriate from available funds, transfer and appropriate from
e Stabilization Fund, and/or borrow a certain sum of money to
f ay all necessary costs, fees and expenses in connection with
e acquisition of said land and for paying any damages which
y be awarded as a result of any such taking; and to see if the
w will vote to authorize the Board of Selectmen to negotiate
d execute all necessary and proper contracts and agreements
e eto; or act in relation thereto.

Board of Selectmen

t cle 10. To see if the Town will vote to transfer a certain
m of money from the Insurance Sinking Fund to General
v rnment Expenses, Line Item #2; or act in relation thereto.

Board of Selectmen

t cle 11. To see if the Town will vote to accept the
o isions of Massachusetts General Laws, Chapter 148, Section
I a statute regulating the installation of automatic
r nkler systems in new or rehabilitated multi-unit residential
r ctures; or act in relation thereto.

Fire Chief

t cle 12. To see if the Town will vote to accept the
o isions of Massachusetts General Laws, Chapter 148, Section
H a statute regulating the installation of automatic
r nkler systems in lodging or boarding houses; or act in
l tion thereto.

Fire Chief

t cle 13. To see if the Town will vote to amend Article XI
n ral Wetlands By-Law of the General By-Laws as follows:

1. Under Section 1. Application, by adding the following
n ence:

The Commission may waive the 50 foot construction
o ibition contained herein where the Commission specifically
n s that literal enforcement of the prohibition would involve
b tantial hardship, financial or otherwise to an applicant and
a desirable relief may be granted without substantial
t iment to the public good and without nullifying or
b tantially derogating from the intent or purpose of this
l w.

o act in relation thereto.

Conservation Commission

fail not and make return of this warrant with your doings thereon

time and place of said meeting.

under our hands this 17th day of December , A.D. 1990.

BOARD OF SELECTMEN OF TOWN OF CHELMSFORD

Bonita A. Towle, Chairman

Dennis J. Ready, Vice Chairman

Henrick R. Johnson, Jr., Clerk

Bradford O. Emerson

Roger A. Blomgren

COMMONWEALTH OF MASSACHUSETTS

E., SS December 20 1990

t to the within warrant, I have notified and warned the
a ts of the Town of Chelmsford by posting up attested
o same at the following places, to wit:
f ce Building Gym, Harrington School Gymnasium, Harrington
G mnasium, Westland School Cafeteria, Byam School
i m, Westland School Cafeteria, McCarthy Middle School
y nasium, McCarthy Middle School Small Gymnasium, and Town
B ilding Gym, and Town Office Building Lobby.

Signed:

William E. Spence.

William E. Spence,
Constable

Cpy Attest, William E. Spence.
William E. Spence, Constable

SPECIAL TOWN MEETING
January 7, 1991

The Special Town Meeting was called to order at 7:40 PM at the hy Middle School Auditorium by the Moderator Dennis E. McHugh, cognized the presence of a quorum. There were 148 Representative eeting Members present.

The Moderator pointed out the fire exits located within the hall. nt over the Town Meeting procedures.

The Moderator requested a moment of silence for three past and t elected officials who passed away in the month of December. Lewis, former member of the School Committee, Frederick Marcks, eeting Representative from precinct 5, and Reginald Larkin, Town g Representative from precinct 8.

Selectman Bonita Towle moved that the reading of the Constable's of service and the posting of the warrant be waived. It was so unanimously. Selectman Towle then moved that the reading of the warrant be waived. It was so voted, unanimously.

The Moderator explained that present in the hall were media nel from a national news broadcasting show. He requested that epresentatives take this into consideration and conduct themselves ngly and avoid any unnecessary lengthy debate and discussions.

UNDER ARTICLE 1 Selectman Bonita Towle moved that the Town vote prove and confirm the actions taken at the October 1, 1990 and 15, 1990 sessions of the Fall 1990 Annual Town Meeting, the of which is available for inspection at the office of the Town

The Town Manager Bernard Lynch explained the purpose of the . This article is to satisfy Bond Counsel's concerns of the of the warrant for the October meeting. The Town by-law and both considered the October meeting as an annual meeting, re the posting of the warrant was done seven days prior to the date. Bond Counsel considered the meeting a special meeting ng to MGL Chap 39 Sec 9, which would require a posting date teen days prior to a meeting. Mr Lynch asked for passage of ticle so the business acted upon can be radified, there are s within this warrant which will address the concerns expressed December 17th meeting.

he Finance Committee recommended the article. The Moderator or a voice vote, motion carried, unanimously.

UNDER ARTICLE 2 Town Treasurer James Doukszewicz, moved to w this article. Due to the passage of article 1, there was no act upon this article. The Finance Committee supported the o withdraw. The Moderator asked for a voice vote, motion unanimously.

UNDER ARTICLE 3 Barry Balan, Chairman of the Sewer Commission, at the Town vote to transfer and appropriate the sum of .00 from sewer betterments, special revenue, to reduce the ortion of debt and interest for Fiscal Year 1992.

Barry Balan explained the article. This article is to reaffirm
wer Commission's position on the use of the Sewer betterment
The fees are included in the formula being used to offset the
for the reduction of future construction bonds. The Finance
tee supported the article.
Ronald Gamache questioned why this article was put before article
which was the petitioned article submitted for calling this
l meeting. He felt that if this article passes then it will
dize the funding which would be necessary for article four.
ing to the Report the Fiscal Policy Advisory Committee made at
ne 1990 meeting, the Committee and the Town Manager recommended
hese fees be applied to the operating budget of Town Government.
wn Manager explained that was indeed the recommendation, but
further discussion with people who live in the Town, the Sewer
sion and others involved from the start of the sewer project, the
hould be applied for the purpose of retiring debt. Ronald
e moved to table the article. He felt discussion and vote on
e four and the other up coming articles which intend to be funded
he betterment fees, should be acted upon first. The Moderator
For a voice vote, motion defeated. Scott McCaig expressed that
terment fees should only be applied towards sewer projects.
l Ready asked for support of the article. A discussion took
. Mark Gauthier moved the question. The Moderator attempted a
ous voice vote. Hearing none the following tellers came forward
and count was taken, which requires a 2/3's vote:

Frawley, Patricia Plank, Jean Horgan and Mike McCall.

of the hand count: Yes 138, No 2, 2/3's is 93 motion carried.
erator asked for a voice vote on the article, motion carried.

NDER ARTICLE 4 Ronald Gamache moved that the Town transfer and
iate from the sewer betterment fund the sum of $110,000.00 to
em 8: Public Safety Salary account.

onald Gamache moved that the Town transfer and appropriate from
er betterment fund the sum of $110,000.00 to Line Item 8: Public
Salary Account.

onald Gamache explained the article. He stated that in 1990 in
urt reimbusements alone, $189,749.50 has been returned to free
He felt that the Police Department has supported the town with
s and cited other amounts that have been returned to the general
er the years. The crime situation is not going to change. It
higher especially once the criminal element becomes aware of
ease in manpower. Public Safety is an area which cannot afford
any further reductions. Town Manager Bernard Lynch explained
lly aware of the revenues that the department generates. When
get is drawn up predictions are estimated on the receipts that
turned in by the Police Department. This is also done with
partments. Selectman Bonita Towle, moved to amend the motion by
"transfer and appropriate from sewer betterment fund the sum
000.00 and substitute "transfer from line item 16: Snow and Ice
the sum of $55,000.00" to Line item 8 Public Safety Salary
She explained that there was surplus money available in this
and that the money would be used to rehire the three patrolmen
ne 30th. Dwight Hayward of the Finance Committee spoke against

tion. Only because the weather conditions so far haven't merit se of this account, that is why there is a surplus. This account end up being overdrawn which will be paid for at the beginning of xt fiscal year. He listed what had been appropriated and ly spent over the past years. If this is done in effect it would e an over ride because this is the only account that is exempt lowed to be overdrawn. Edward Hilliard said that if proposition is going to be overidden then it should be done so by way of a vote, not by overdrawing an account. A discussion took place. men Ready said it was a case of establishing priorities, and that Safety must be a priority. Town Manager Bernard Lynch spoke t the motion, he felt that already there has been a storm and was certainly going to be more before the winter was over. More discussion took place. Bill Dalton wanted to know what would arantee would be, if this body did in fact vote the funds needed instate the three officers, that this would be carried out? l Lynch stated that if that is what the majority voted then he lo so. Selectman Roger Blomgren presented areas where he felt ould be made in order to raise the money. Kay Roberts expressed icerns but said that the Town Meeting Representatives should be y responsible. Janet Dubner moved the question. the Moderator for a voice vote, motion carried, unanimously. He then asked for vote on the motion to amend, motion defeated. Ronald Gamache ved to transfer the sum of $55,000.00 from the Finance ee's reserve fund to reinstate the three police officers ly laid off. The Finance Committee was not in favor of this Dwight Hayward asked for Town Counsel's opinion on the motion. arrington, Town Counsel said that the Town Meeting Body could in te to take money from this account. Dwight Hayward explained is account is used for emergency items that have not been d for the year, and that the money should not be taken for this funding. A discussion took place. A number of representatives or and against the motion. Susan Koeckhaven moved the question. erator asked for a voice vote, motion carried, unanimously. He ked for a voice vote on the motion to amend, motion defeated. erator asked for a voice vote on the article, motion defeated.

NDER ARTICLE 5 Wendy Marcks, Chairman of the School Committee o withdraw the article due to the lack of available funds. The Committee supported the motion to withdraw. Motion carried, sly.

UDER ARTICLE 6 Janet Hendl, Chairman of the Library Trustees, o withdraw the article. Motion carried, unanimously.

UDER ARTICLE 7 Fire Chief Robert L. Hughes, moved to withdraw rticle. Motion carried, unanimously.

UDER ARTICLE 8 Town Manager Bernard Lynch explained that this as needed in order to clarify the Charter, Town By-Law, and w on the Town's Annual Meeting dates of April and October. The harter and By-law calls for two annual meetings in a calendar he State law only allows one annual meeting, any other meeting considered a special meeting which has special requirements ing a warrant. This action would allow the Town to have two eetings in a year once the necessary procedures are shed.

The Finance Committee recommended the article. The Moderator for a voice vote, motion carried, unanimously. The article reads llows:

Selectman Bonita Towle moved that the Town vote pursuant to MGL
t r 43B, to amend the Chelmsford Home Rule Charter as follows:

B deleting paragraph (a) Time of Meeting of Section 2-12
eures in its entirety and inserting in its place the following:

Time of Meeting

presentative town meeting shall meet at least twice each
ar year. These two meetings shall constitute the Annual Town
ig of the town and shall be held in two sessions to be known as
Spring Annual Town Meeting and the Fall Annual Town Meeting . Each
sion of the Annual Town Meeting shall be called by separate warrant.
Spring Annual Town Meeting shall be held in April on a date fixed
by-law and shall include the election of town officers and other
es to be determined by ballots and is expected to be primarily
ened with the determinatin of matters involving the expenditure
ommitment of town funds, including but not limited to the adoption
nual operating budget for all town agencies.

Fall Annual Town Meeting shall be held in October on a date fixed
by-law and shall be deemed to have all the powers of an Annual Town
ig except that it shall not be construed to include the time for
election of town officers and other matters to be determined by
c.. The Selectmen shall insert in the warrants for both sessions
h Annual Town Meeting all subjects the insertion of which shall be
ested of them in writing by ten or more registered voters of the
, in the manner provided under the laws of the Commonwealth.

Board of Selectmen may, in any manner provided under the laws of
Commonwealth or the charter, for the purpose of acting upon the
sative business of the town in an orderly and expeditious manner,
he Town Meeting into session at other times by the issuance of
ats therefor.

Ronald Gamache moved to reconsider article 4. He explained the
e of his request. He cited a bank robbery that took place in town
s own personal experence with it. He felt that there was money
ble in free cash due to a recent appeallant tax court settlement.
unemployment beneifit line item could be reduced. The three police
tons are needed in order to maintain town services, and public
t. A discussion took place. Robert Sexton moved the question to
debate. The Moderator asked for a voice vote on the motion to
debate, motion carried, unanimously. He then asked for a voice
on the motion to reconsider, motion defeated.

UNDER ARTICLE 9 Selectman Bonita Towle moved that the Town vote
cept the following mentioned street, as laid out by the Board of
cmen and shown by their reports duly filed in the office of the
Clerk:

Natalie Road

viing all the construction of the same meets with the requirements
h Board of Selectmen, and subject to the withholding of any
aiing bonds until such requirements have been met; and moved that
Town vote to authorize the Board of Selectmen to acquire any and
mporary and/or permanent easements, and any property in fee
l, with trees thereon, by purchase, eminent domain, or otherwise,
e purpose of securing traffic safety and road improvements; and

that the Town vote to authorize the Board of Selectmen to
ate and execute all necessary and proper contracts and agreements
o.

lanager Bernard Lynch explained the article, seeing that there was
ey involved, he asked for support of the article. The Finance
tee recommended the article. Motion carried, unanimously.

A discussion took place concerning the need to recess in order
e Town Meeting Representatives to caucus by precinct and vote for
mber to represent his or her precinct on the rules committee. It
ntioned in the literature to the representatives that this action
lace at the conclusion of article 1, in order to avoid confusion
end of the meeting. The Moderator asked for an opinion by way
how of hands on the issue. Motion defeated, the represenatives
aucus at the conclusion of meeting after article 13.

UNDER ARTICLE 10 Selectman Bonita Towle moved that the Town
o transfer the sum of $5,000.00 from the Insurance Sinking Fund
eral Government Expenses, Line Item #2.

Town Manager explained that this was a standard article. The
was the required insurance deductable which has come due. The
e Committee recommended the article.

UNDER ARTICLE 11 Fire Chief Robert L. Hughes moved that the Town
o accept the provisions of Massachusetts General Laws, Chapter
ction 26I, a statute regulating the installation of automatic
ler systems in new or rehabilitated multi-unit residential
ures.

Deputy Chief James Sousa explained the article. The Finance
tee recommended the article. Motion carried, unanimously.

UNDER ARTICLE 12 Fire Chief Robert L. Hughes moved that the Town
o accept the provisions of Massachusetts General Laws, Chapter
ction 26H, a statute regulating the installation of automatic
ler systems in lodging or boarding houses.

Deputy Chief James Sousa gave a description of what consitutes a
ng house and explained the article. The Finance Committee
ended the article. Edward Hilliard questioned the amount of
ng houses in Chelmsford? Deputy Sousa answered to his knowledge
ne. Motion carried, unanimously.

A discussion took place again concerning the individual
ct's needs to caucus to fill the Rules Committee positions. It
lt that representatives will leave the hall. The Moderator
ned that he hope full participation would take place and that the
entatives stay at the conclusion of the meeting and fulfill their
ements.

UNDER ARTICLE 13 David McLachlan moved that the Town vote to
Article XI General Wetlands By-law of the General By-laws as
s:

der Section 1. Application, by adding the following sentence:
mmission may waive the 50 foot construction prohibition contained
where the Commission specifically finds that literal enforcement

h prohibition would involve substantial hardship, financial or
rise to an applicant and that desirable relief may be granted
ct substantial detriment to the public good and without nullifying
ustantially derogating from the intent or purpose of this by-law.

James McBride, Chairman of the Conservation Commission, explained
he Board felt after the passage of article 15 at the October 15,
own Meeting which also amended section 1, they should amend the
a again to include a clause in case of hardship. Since the
ae in October two hardship cases have appealed to the Conservation
ission and the Board felt that a need is there for waiving the
a from time to time without a person having to appeal through the
t system. That is the purpose of the wording that now appears. The
ne Committee recommended that article.

ussion took place. John Emerson moved the question. The
rtor asked for a voice vote, motion carried to move the question.
r asking for a voice vote on the article, he reminded the
eentatives to stay at the conclusion of this meeting and caucus.
first meeting of the Rules Committee will be held on January 23rd
h Town Offices at 7:30 PM. He then asked for a voice vote on
ce 13, motion carried, unanimously.

Mark Gauthier moved to adjourn the meeting, motion carried. The
ig adjourned at 10:05 PM.

i E. McHugh,Moderator

Mary E.St.Hilaire, Town Clerk

WARRANT FOR ANNUAL
TOWN MEETING APRIL 2, 1991 AND APRIL 29, 1991

D.ESEX, SS.

the Constable, or any other suitable person of the Town of
lmsford:

e:ing:

the name of the Commonwealth aforesaid, you are hereby
u:sted to notify and warn the legal voters of said Chelmsford
m:et in their several polling places, VIZ:

Precinct 1. Town Office Building Gymnasium

Precinct 2. Harrington Elementary School Gymnasium

Precinct 3. Harrington Elementary School Gymnasium

Precinct 4. Westlands School Cafeteria

Precinct 5. Byam School Cafeteria

Precinct 6. Westlands School Cafeteria

Precinct 7. McCarthy Middle School, Small Gymnasium

Precinct 8. McCarthy Middle School, Small Gymnasium

Precinct 9. Town Office Building Gymnasium

Tesday, the 2nd day of April, 1991, being the first Tuesday
s.id month at 12:00 noon until 8:00 p.m. for the following
p:ses:

To bring in their votes for the following officers:

Two Selectmen for three years.

One Member of School Committee for three years

Two Members of Public Library Trustees for three years

One Member of the Board of Health for three years

Three Planning Board Members for three years

One Member of Housing Authority for five years

One Member of Sewer Commission for three years

One Member of the Cemetery Commission for three years

Fifty-four Representative Town Meeting Members, 6
sentatives per precinct

One representative Town Meeting Member for an unexpired two
term in Precinct 1

One representative Town Meeting Member for an unexpired one
term in Precinct 9

and to vote on the following question:

Question 1. Shall the Town vote to approve the Charter
ment proposed by the January 7, 1991 Special Town Meeting
rized below.

YES
NO

Summary: If adopted, the proposed amendment would clarify
there are two Annual Town Meetings in each calendar year.
ext of the proposed amendment appeared under Article 8 of
anuary 7, 1991 Special Town Meeting and was unanimously
ved by the Town Meeting representatives.

The polls will be open from 12:00 noon until 8:00 p.m.; and
et in the McCarthy Middle School Gymnasium on Monday, the
y-ninth day of April, at 7:30 p.m. in the evening, then and
to act upon the following articles, VIZ:

Article 1. To hear reports of the Town Officers and
ttees; or act in relation thereto.

Board of Selectmen

Article 2. To see if the Town will vote to transfer a
in sum of money from the Sale of Graves and Lots to the
ery Improvement and Development Fund; or act in relation
to.

Cemetery
Commission

Article 3. To see if the Town will vote to authorize the
Treasurer to enter into compensatory balance agreements,
g Fiscal Year 1992, as permitted by General Laws, Chapter
ection 53F; or act in relation thereto.

Board of Selectmen

Article 4. To see if the Town will vote to authorize the Treasurer, with the approval of the Board of Selectmen, to ow money from time to time in anticipation of the revenue of financial year beginning July 1, 1991, in accordance with provisions of General Laws, Chapter 44, Section 4, and to a note or notes as may be given for a period of less than ear in accordance with General Laws, Chapter 44, Section 17 7(a); or act in relation thereto.

Board of Selectmen

Article 5. To see if the Town will vote to raise and opriate or transfer from available funds a certain sum of ey with which to meet bills for previous years; or act in ion thereto.

Board of Selectmen

Article 6. To see if the Town will vote to raise and opriate, transfer and appropriate from available funds, sfer and appropriate from the stabilization fund and/or ow a certain sum of money to engage a private accounting to prepare an audit of all accounts in all departments in own of Chelmsford; or act in relation thereto.

Board Of Selectmen

Article 7. To see if the Town will vote to transfer a in sum of money from sewer betterments, special revenue, to ce the exempt portion of debt and interest in the Fiscal 1992 Budget; or act in relation thereto.

Sewer Commission

Article 8. To see if the Town will vote to defray such of money as may be required to defray Town charges for the l period from July 1, 1991 to June 30, 1992; or act in ion thereto.

Town Manager

Article 9. To see if the Town will vote to appropriate a in sum of money for the following capital projects:

FY92 CAPITAL BUDGET

Department	Rescue Equipment/ Breathing Apparatus	$ 28,000
	Engine #2 Generator	$ 20,000

t of Public	Road Resurfacing	$250,000
k	Drainage Projects	$100,000
	One Ton Truck	$ 30,000
eery Department	Backhoe	$ 45,000
ie Department	3 Cruisers	$ 45,000
ol Department	Truck w/Plow	$ 17,874
	Roof Work at H.S. Cafeteria	$ 31,643
	Roof Work at Parker HS/McCarthy Lavatory Partition Work	$ 10,607
	Emergency Hardware for Doors	$ 10,000
	So. Row Exterior Doors	$ 12,000
	School Paint Work	$ 48,400
		$ 10,000
fic and Safety	Sidewalk Planning/Engineering	$ 75,000
		$685,524

o see if the Town will vote to raise and appropriate, nfer and appropriate from available funds, transfer and rpriate from the stabilization fund, and/or borrow a certain f money to fund these obligations; or act in relation to.

Capital Planning

Article 10. To see if the Town will vote to raise and rpriate, or transfer from available funds a certain sum of e to be used as a Reserve Fund at the discretion of the ace Committee, as provided in General Laws Chapter 40, ton 6; or act in relation thereto.

Finance Committee

Article 11. To see if the Town will vote to raise and rpriate or transfer from available funds, a certain sum of e for the purpose of funding the sand lease approved by the nunder Article 12 of the 1989 Annual Town Meeting; or act in ation thereto.

Board of Selectmen

Article 12. To see if the Town will vote to amend the eal By-laws by deleting Article XII Mobile Home Park Rent tol By-Laws in its entirety; or act in relation thereto.

Mobile Home Rent
Control Board

Article 13. To see if the Town will vote to amend Zoning Law Article III, General Regulations, Section 3300 Signs and Outdoor Lighting as follows:

1. Under Section 3320 Signs Permitted in Residential Districts by adding the following subsection:

3326 One temporary, freestanding political sign, not exceeding four (4) square feet in area, which is designed to influence the action of voters for the passage or defeat of a referendum question or other measure appearing on the ballot of an election duly called in the Town of Chelmsford or designed to influence the actions of voters for election of a candidate whose name appears on the ballot of an election duly called in the Town of Chelmsford. Such signs may be erected no sooner than twenty-one (21) days prior to the date of election and must be removed no later than fourteen (14) days after such election. Signs permitted by this by-law: (a) shall not be higher than three feet above ground level; (b) shall not be artificially illuminated; (c) shall be freestanding and not attached to a building, tree, utility pole, or fence; d) shall be set back at least 15 feet from the street line; and e) shall only be located within the front yard area of the property. These signs require no sign permit.

2. Under Section 3330 Signs Permitted in Business Districts by adding the following subsection:

3337 One temporary, freestanding political sign, not exceeding four (4) square feet in area, which is designed to influence the action of voters for the passage or defeat of a referendum question or other measure appearing on the ballot of an election duly called in the Town of Chelmsford or designed to influence the actions of voters for election of a candidate whose name appears on the ballot of an election duly called in the Town of Chelmsford. Such signs may be erected no sooner than twenty-one (21) days prior to the date of election and must be removed no later than fourteen (14) days after such election. Signs permitted by this by-law: (a) shall not be higher than three feet above ground level; (b) shall not be artificially illuminated; (c) shall be freestanding and not attached to a building, tree, utility pole, or fence; d) shall be set back at least 15 feet from the street line; and e) shall only be located within the front yard area of the property. These signs require no sign permit.

Or act in relation thereto.

Planning Board

Article 14. To see if the Town will vote to amend the
lsford Zoning By-Law Article I Administration and Procedure,
ton 1200 Administration by adding the following subsection:
1260 Non-Criminal Disposition

In addition to the procedure for enforcement as described
v, the provisions of this By-Law may also be enforced by
-riminal disposition as provided in Massachusetts General
s Chapter 40, Section 21D. The penalty for such violation
l be $25 for the first offense, $50 for the second offense,
0 for the third offense, and $200 for the fourth and each
s quent offense.

r act in relation thereto.

Planning Board

Article 15. To see if the Town will vote pursuant to
e al Law Chapter 82, Section 21, that public convenience and
e sity require that a portion of Douglas Road also known as
ouglas Road Extension, as hereinafter described shall be
c ntinued and all public rights and all portions of said
e ts, and/or Town Ways relative to said street shall be
c forth discontinued and abandoned; said street is more
t cularly described as follows:

That portion of Douglas Road, as shown on a plan entitled
o osed Discontinuance Douglas Road Extension ATM 1991 dated
c 6, 1991," on file with the Town Clerk.

And see if the Town will vote to authorize the Board of
e tmen for consideration to be determined, to convey and
n fer, all right, title and interest, if any, held by the
n in the above parcel of land located on the discontinued
t on of said way/road, to the owners of the property set
t in a Covenant to the Town of Chelmsford Planning Board,
o ded in the Middlesex North District Registry of Deeds in
k 2881, Page 289 and covering said way; or act in relation
r to.

Board of Selectmen

Article 16. To see if the Town will vote to authorize the
r of Selectmen and/or the Sewer Commissioners to acquire any
ll temporary and/or permanent easements, and any property
f e simple with the buildings and trees thereon by purchase,
n nt domain, or otherwise, for the property located in the
n of Chelmsford, Massachusetts, and further described and
w on a set of plans entitled "Plan of Sewer Easements in
l sford, Massachusetts, Phase IIB Sewers, prepared for the
l sford Sewer Commission March 18, 1991 by Richard F.
i ski & Associates, Inc.", a copy of which is on file in the

e of the Town Engineer and is incorporated herein by
ence, for the purpose of constructing and maintaining
s, pumping stations, and all other appurtenances thereto;
o see if the Town will vote to raise and appropriate,
fer and appropriate from available funds, transfer and
priate from the stabilization fund, transfer and
priate from revenue sharing funds and/or borrow a certain
f money to defray all necessary costs, fees and expenses in
ction with the acquisition of said land and for paying any
es which may be awarded as the result of any such taking;
t in relation thereto.

Sewer Commission

Article 17. To see if the Town will vote to accept the
wing mentioned streets, as laid out by the Board of
tmen and shown by their reports duly filed in the office of
own Clerk.

1. Nashoba Drive
2. Sarah Lane
3. Virginia Lane

Providing all the construction of the same meets with the
rements of the Board of Selectmen, and subject to the
olding of any remaining bonds until such requirements have
met and to see if the Town will vote to authorize the Board
lectmen to acquire any and all temporary and/or permanent
ents, and any property in fee simple, with trees thereon,
rchase, eminent domain, or otherwise, for the purpose of
ing traffic safety and road improvements, and to see if the
will vote to raise and appropriate, transfer and
priate from available funds, transfer and appropriate from
tabilization Fund, and/or borrow a certain sum of money to
y all necessary costs, fees and expenses in connection with
cquisition of said land and for paying any damages which
e awarded as a result of any such taking; and to see if the
will vote to authorize the Board of Selectmen to negotiate
xecute all necessary and proper contracts and agreements
to; or act in relation thereto.

Board of Selectmen

Article 18. To see if the Town will vote to amend the
ing Town of Chelmsford Zoning Map by removing the following
ibed property consisting of 32.46 acres of land with
ings thereon, from Neighborhood Commercial District (CA)
imited Industrial District (IA) and placing said property
a Shopping Center District (CC):

Being a 32.46 ± acre parcel of land situated in Chelmsford,
chusetts more particularly described as follows:

Commencing at a point lying along the southerly R.O.W. Line
elmsford Road (Rt. 110), being a State Highway as laid out
y 16, 1903 by the Massachusetts Highway Commission; said
n being a stone bound and the "Point of Beginning" of the
en described parcel of land; thence running along said
terly R.O.W. Line in a Southwesterly direction in 3 courses
n; S82-17-OOW 844.61 feet to a point being a circular curve
ve to the left with an arc length of 236.20 feet and radius
6.80 feet to a point; thence S61-36-OOW, 271.1 feet to a
n lying at the intersection of said Southerly R.O.W. Line
he Easterly property line of a parcel of land owned by now
rmerly of the Lerer Investment Trust; thence running
terly along said Easterly property line S39-27-02E 113.4
to a point being the Southeasterly corner of said Lerer
tment Trust property; thence S62-47-33W 13.44 feet along
Lerer Investment Trust Southerly property line to a point
n parallel and 50 feet East of the Easterly R.O.W. Line of
an Street, being a 40' wide public way; thence S39-27-02E
. feet, along said parallel line of the Easterly R.O.W.
e to a point lying at the intersection of the Southerly
. line of land now or formerly of the New York New Haven
oad Co., thence along said railroad R.O.W. line N68-17-04E
.4 feet to a point lying at the intersetion of said
terly Railroad R.O.W. line and the Northwesterly corner of
now or formerly of Raymond Carye, being shown as Lot 4D on
n of land prepared for Carex Realty Trust dated January 23,
9 thence running along the Westerly lot line of said Lot 4D,
-2-56E 170.00 feet, to a point being the Southwesterly lot
r of Lot 4D and the Northwestern corner of Lot 5A as shown
e herein referenced plan; thence running along the common
rty line of Lot 4D and 5A as referenced herein N73-14-24E
.0 feet and S45-47-33E 85.87 feet to the point lying at the
r line intersection of Katrina Road, a 50' wide public way,
he extension of said property line as shown on the herein
enced plan; thence running along the center line of said
na Road being a curve concave to the right having an arc
h of 277.86 feet and a radius of 665.00 feet to a point;
e N52-20-29E 392.2 feet to a point lying at the center line
section of said Katrina Road and the Westerly R.O.W. Line
en Avenue, a public 40' R.O.W.; thence running in a
terly direction along said Westerly Glen Avenue R.O.W. in 2
es being, N36-52-48W 217.6 feet to an angle point; thence
-4-12E, 521.2 feet to a point lying at the intersection of
Glen Avenue Westerly R.O.W. line and the Southerly R.O.W.
of said Chelmsford Road, (Rte. 110); thence S86-36-OOW
. feet along said Chelmsford Road (Rte. 110) Southerly
. Line the the "Point of Beginning."

Said parcel being a proposed "CC" Zone District containing
ea of 32.46 ± acres and being a portion of a CA
hborhood Commercial) CC (Shopping Center District) and IA
ted Industrial) zone as shown on the Town of Chelmsford
g Map.

act in relation thereto.

Petition

Article 19. To see if the Town will vote to accept visions of Section 12 of Chapter 188 of the Acts of 1985, OL IMPROVEMENT ACT, in relation to the Equal Educational portunity Grant in the amount of Seventeen Thousand Two ded Seven Dollars ($17,207.00), for the Nashoba Valley nical High School, conditioned upon the funding of said grams by any source other than the Town of Chelmsford, and ther conditioned upon, to the extent permitted by law, that professional grant programs, and any monies paid to any loyee of the Nashoba Valley Technical High School, shall not used or considered a past practice for the purpose of lective bargaining and shall be nonrecurring lump sum payment built into school employees salary schedules; or act in ation thereto.

Nashoba Valley
Technical High
School District

Article 20. To see if the Town will vote to accept the visions of Chapter 291 of the Acts of 1990; an Act concerning anced 911 service; or act in relation thereto.

Police Department
Fire Department

Article 21. To see if the Town will vote to amend the eral By-Laws by deleting Article VII, Miscellaneous, Section Sodium Vapor Lamps in its entirety; or act in relation rto.

Town Manager

Article 22. To see if the Town will vote to amend Article I Waste Disposal of the General By-Laws by deleting Section 2 ation of Trash and Section 3 Trash Disposal Recycling and stituting in their place the following:

Section 2 Separation of Trash (Recycling)

Residents of every household are required to separate recyclable waste materials from other waste materials. Such recyclable materials shall be placed in a "Chelmsford Recycles" recycling bin or other suitable container designated by the Town Manager for recycling purposes. Such recyclable materials shall include but not be limited to: clear glass, brown glass, green glass, tin cans, aluminum cans, HDPE plastics milk, water, and cider bottles, PET plastics (soda bottles), and newspapers which shall be contained in paper bags.

Section 3. Recycling User Fee

The Town Manager shall be authorized to establish a users fee for recycling which shall be paid by each user. As a condition of any license granted to a private hauler to collect residential trash within the Town of Chelmsford, the trash hauler licensee shall either: (1) provide recycling services to each of its residential customers in the Town of Chelmsford as provided in this By-Law, or (2) pay as part of their licensing fee to the Town of Chelmsford a sum equal to the established users fee for each customer serviced.

act in relation thereto.

Solid Waste
Advisory Committee

Article 23. To see if the Town will vote to amend the sford Home Rule Charter as follows:

1. Under Part III Elected Town Officers, Section 3-9 Sewer ssion by deleting subparagraph (b) Powers and Duties and ituting in its place the following:

(b) Powers and Duties

The Sewer Commission shall supervise, manage, and control onstruction of sewer lines within the Town and shall vise, manage, and control the sewer division and all of its s, servants, and employees. The sewer division shall te each sewer line, or sewer system at the time that the line or sewer system is completed and becomes operational hall come under the control of the Department of Public or its successor agency upon the Sewer Commission's lution on January 1, 2005.

2. Under Part V Administrative Organization, Section 5-2 tment of Public Works, by deleting the last sentence which as follows:

There shall also be a sewer division which shall operate sewer line, or sewer system at the time that the sewer line wer system is completed and becomes operational.

act in relation thereto.

Sewer Commission

Article 24. To see if the Town will vote to amend Article V t and Sidewalks of the General By-Laws by adding Section 21 and Ice" as follows:

1. No person shall pile, push, throw, shovel, or by any other method or means cause snow to be deposited or placed on any public roadway or sidewalk of the Town so as to impede, obstruct, or interrupt or otherwise adversely affect the unrestricted flow of traffic or the safe travel of any pedestrian on such roadway or sidewalk. The foregoing sentence shall not apply to any person in the employ of the Town, or in the employ of an independent contractor which has been hired by the Town for the purpose of snow removal.

2. Property owners shall be responsible for clearing snow from paved sidewalks along their property within 24 hours from the end of the snowstorm. The cleared way shall extend the full width of the sidewalk.

3. Violations of this Section of the By-Law shall be punishable by a fine of not more than $25.00 for each violation. Each instance or new day shall constitute a separate violation.

act in relation thereto.

Department of
Public Works

Article 25. To see if the Town will vote to amend the al By-laws Article VI Police Regulations, Section 22: bition of Trapping By Means of the Leghold and Conibear Trap ding a new paragraph as follows:

(5) Notwithstanding the provisions of this bylaw, the rvation Commission or their authorized agents may use such and may destroy any fur-bearing mammals subject to ation herein, if the Conservation Commission determines that animals pose a substantial present or potential hazard to c health, welfare, safety, or to the environment.

act in relation thereto

CONSERVATION COMMISSION

Article 26. To see if the Town will vote to amend the al By-laws Article XI General Wetland By-law as follows:

1. Under Section 15 Fee Schedule by deleting paragraphs 1 under Fees: which reads:

1) Wetland By-law Hearing
Dwelling, tennis court, swimming pool, bridge, etc. - $25.00

2) Multiple Dwelling Units, Commercial & Industrial -
00

and by substituting in their place the following:

The Commission may adopt and impose project review charges a cordance with regulations promulgated pursuant to its h rity under Massachusetts General Laws.

2) Under Section 16: Definitions by adding the following a raphs:

(g) The terms "Land Under Water Bodies or Waterways", r al Pool Habitat", shall be defined as defined in 310 CMR 0

(h) The term "Lower Floodplain" shall mean the area of land h n the statistical 10 year flood or within 100 feet of the k or boundary vegetated wetland, whichever is further from the e body or waterway.

(i) The term "wildlife" shall mean all mammals, birds, t les, amphibians and all vertebrate and invertebrate animal c es, except domesticated species.

(j) The term "Wildlife habitat" shall mean those areas j ct to these "by-laws" which due to the plant community p sition and structure, hydrologic regime, or other r cteristics provide important food, shelter, migratory travel o erwintering areas or breeding areas for wildlife.

(k) The term "rare species" shall mean those vertebrate and e tebrate animal species officially listed as endangered, e tened, or of special concern by the Massachusetts Division F sheries and Wildlife under 321 CMR 8.00 and those plant c es listed as rare, threatened, or endangered by the s chusetts natural Heritage Program.

3) After Section 19 Invalidity by adding a new section as l ws: Section 20 Wildlife Habitat Evaluation

(1) Measuring Adverse Effects on Wildlife Habitat

a. To the extent that a proposed project will alter vernal l habitat or will alter other wildlife habitat such e ations may be permitted only if they will have no adverse e ts on wildlife or vernal habitat. Adverse effects on d ife or vernal habitat shall mean the alteration of any i at characteristic such as food, shelter, migratory breeding verwintering areas, insofar as such alteration will, l wing 2 growing seasons of project completion and thereafter , if a project would eliminate trees, upon the maturity of l nted saplings) substantially reduce its capacity to provide o tant wildlife and vernal habitat functions. Such f rmance standards, however, shall not apply to the habitat of e species. All projects that may impact on rare species must l through the Massachusetts Natural Heritage and Endangered c es Program at least 90 days prior to the filing of a Notice I tent.

b. An evaluation by the applicant of whether a proposed ct will have an adverse effect on wildlife habitat beyond ssible thresholds shall be performed by an individual with ast a masters degree in wildlife biology or ecological ce from an accredited college or university, or other tent professional with at least 2 years experience in ife habitat evaluation.

c) Any wildlife habitat management practices conducted by ivision of Fisheries and Wildlife, and any wildlife ement practices of any individual or organization if wed and approved in writing by said Division, shall be med to have no adverse effect on wildlife habitat. Such mption is rebuttable, and may be overcome by a clear showing e contrary.

2. Wildlife Habitat Characteristics of Inland Resource :

a) Banks. The topography, soil structure, and plant nity composition and structure of banks can provide the wing important wildlife habitat functions: food, shelter, tory wildlife, breeding and overwintering areas for ife.

b) Land Under Water Bodies or Waterways. The plant nity and soil composition and structure, hydrologic regime, raphy and water quality of land under water bodies or ways can provide the following important wildlife habitat ions: food, shelter, breeding areas and overwintering areas ildlife.

c) Vernal Pool Habitat. The topography, soil structure, community composition and structure, and hydrologic regime rnal pool habitat can provided the following important ife habitat functions: food, shelter, migratory, breeding, verwintering areas for wildlife.

d. Lower flood plains. The hydrologic regime, plant nity, and soil composition and structure, topography, and nity to water bodies and waterways of lower floodplains can de the following important wildlife habitat functions: shelter, migratory, overwintering and breeding areas for ife.

act in relation thereto.

Conservation
Commission

Article 27. To see if the Town will vote to amend the al By-Laws as follows:

1. By deleting Article V Streets & SidewalksSection 18 Street Numbers in its entirety.

2. By adding Article XIII - Fire By-Laws as follows:

Article XIII - Fire By-Laws

Section 1 Purpose

The following bylaws are intended to provide the fire department with authority to monitor and enforce fire safety and prevention measures within the Town of Chelmsford.

Section 2 Definitions

1. Alarm - Any notification made to the fire tment that a situation exists or may exist that res a response.

2. Fire Alarm System - A combination of compatible ating devices, control panels, and indicating ances designed and installed to provide an alarm l in the event of a fire.

3. Unintentional Fire Alarm - An alarm caused by any e following:

a) inadequate or improper maintenance of a private fire alarm system; or

b) working on or tampering with a fire alarm system without giving proper notification to the fire department; or

c) failure to control dust, steam, smoke or other materials causing an alarm

4. Master Box - A municipal fire alarm box that may be operated by remote means

5. Multiple Dwelling - Any dwelling that contains or more living quarters including but not limited to s, motels, dormitories, apartments, condominiums, ng and boarding houses, and care facilities.

6. Street Box - A municipal fire alarm box that is ted manually

7. Set Back - The distance from a public or private way to ront of a given building. A parking lot shall not be dered a public or private way for purposes of this section.

8. Service Station - Any building or premises wherein or which gasoline or other motor fuel is sold at retail.

a) Full self-service facility. A service station where all the pumps are self-service.

b) Self-service type business. As used in these by-laws, shall mean that type of business wherein the licensed motor vehicle operator dispenses his own motor fuel.

c) Split-island facility. A motor fuel dispensing installation where part of the facility is used as self-service and part is used for attendant service.

9. Garage - Any building wherein is kept or stored one or motor vehicles; including but not limited to a public or te garage, car port, motor vehicle repair shop or paint service station, lubritorium, or any building used for ar purposes.

a) Residential garage. A private building, or part thereof, having a capacity of not more than three (3) motor vehicles when not used for commercial repair or servicing operations.

b) Special garage. A special structure limited in use to the parking of motor vehicles.

on 3 Street Numbers

1. The Board of Selectmen or its designee may determine esignate numbers for all buildings abutting upon or ent to public and private ways.

2. No person shall neglect or refuse to affix on any ing owned by him the street number designated for him by Board or its designee, nor shall any person affix or suffer main on any building owned or occupied by him a street r other than the one designated by said Board or its nee.

3. All numbers shall comply with the following schedule:

Set Back (defined in Section 2)	Minimum Number Size
0 - 50'	3"
50 - 100'	4"
greater than 100'	6"

4. Street numbers shall be affixed in locations approved e fire chief or his designee and where possible the wing locations shall be mandatory:

a) If a set back is less than 200 feet, the number shall aced near the front or main door of the building provided the door is visible from a public or private way.

b) If a setback is greater than 200 feet, or if the main ont door is not visible from the public or private way, the t numbers must be affixed to a sign posted near the way or entrance to the property in such a manner so that ign is visible year round.

5. If several occupancies share a single address, each ay shall be numbered with a street number and unit number. nit number shall include all units served by the marked ay. The street numbers shall comply with the schedule ned in paragraph 3 and in all cases the unit numbers shall or higher.

6. Street numbers shall be a color that contrasts with the round upon which they are mounted. If a signboard is used background it shall be a minimum of one square foot per .

on 4 Owner/Manager Information

1. An owner of a multiple dwelling who does not reside in and who does not employ a manager or agent for such ing who resides therein, shall post and maintain or cause posted or maintained on such dwelling, adjacent to the oxes for such dwelling or on the exterior of such dwelling location visible to the public, a notice, not less than y square inches in size, bearing his name, address, and hone number or the name, address, and telephone number of manager or agent.

2. The owner of said multiple dwelling shall submit lly before January 31st, the address of the dwelling, the of the dwelling if any, the name of the trust, association, ganization if any, which manages or owns the dwelling, the , addresses, and telephone numbers of all owners and ers. Such information shall be provided in a form approved e Fire Department.

on 5 Municipal Master Box/Street Box

1. Any owner of property applying for a tie-in to the ipal fire alarm system shall first obtain a permit, on a provided by the Fire Department prior to the installation master box or street box as those terms are defined in on 1. Each tie in permit shall cost $100.00.

2. Any violation of this section shall be punishable by a of $100.00 for each offense. Each day that any violation nues shall constitute a separate offense.

on 6 Existing and New Sprinkler Systems/Tie In

1. All new and existing buildings with sprinkler systems be connected to the municipal fire alarm system via a r box connection. All buildings which fall into this ory shall make connection no later than June 30, 1992.

2. Any violations of this section shall be punishable by a of $200.00 for each offense. Each day that any violation nues shall constitute a separate offense

n 7 Unintentional Fire Alarms

. The owner of any building which has a fire alarm system
only be allowed three unintentional fire alarms, as that
s defined in Section 2, per calendar year.

. After the third unintentional fire alarm the owner
be fined $50.00 and shall be fined $100.00 for each
onal offense thereafter. Each day that any violation
ues shall constitute a separate offense.

SECTION 8 - OPERATION OF SERVICE STATIONS, GARAGES USED FOR COMMERCIAL PURPOSES, SELF SERVICE STATIONS INCUDING CONVENIENCE STORES

lectrical Wiring and Heating

1. Artificial lighting of a garage shall be only by means
f elctric lights. All electrical work and equipment shall
e installed in accordance with Massachusetts Electrical Code
27 CMR 12.00.

2. In the case of a garage, other than a residential garage,
eated by a central heating unit located on or below the
arage floor, such unit shall be located in a room separated
rom the garage by a fire partition and all openings therein
hall be protected by either fire doors or fire windows. A
arage may be heated by gas, oil, electric unit heater(s) and/or
entral heating units located in the heated area without fire
artitions, provided that such equipment is located not less
han eight (8) feet above the garage floor, and in the case
f gas or oil the combustion chamber of such heater shall be
roperly vented to the outer air. The hot air from a central
eating unit shall enter the garage not less than four (4')
eet above the floor level of the garage. The return air
egisters of any duct distribution system connected to unit
eater, central heater or warm air furnaces shall be located
ot less than four (4') feet above the garage floor. No space
eaters (as defined in 527 CMR 4.00) shall be permitted.

3 Heating equipment may be installed in non-residential motor
ehicle repair or parking areas where there is no dispensing
r transferring of Class I or II flammable liquids (as defined
n NFPA 30, Flammable and Combustible Liquids Code), or
iquefied petroleum gas, provided the bottom of the combustion
hamber is not less than 18 in. (.5m) above the floor, the
eating equipment is protected from physical damage by
ehicles, and continuous mechanical ventilation is provided
t the rate of .75 cfm/sq ft. ($.75 m^3/min$ per m^2) of the floor
rea. The heating system and the ventilation system shall be
uitably interlocked to ensure operation of the ventilation
ystem when the heating system is in operation.

4 In the case of a residential garage, any heater or appliance
nit may be located on the garage floor provided the source of
gnition from combustion chambers, motors, etc., shall be
ocated not less than six (6) inches above the floor level.
n the case of a residential garage having a floor below
urrounding grade, the combustion chamber or ignition source

of any heater or appliance unit shall be raised not less than eighteen (18) inches above the floor level. Any heater or appliance unit installed in a residential garage shall be suitably protected from physical damage as directed by the authority having jurisdiction. No space heaters (as defined in 527 CMR 4.00) shall be permitted.

Operation and Maintenance

. Suitable receptacles filled with sand or other nonflammable absorbent material, to be used in absorbing waste oil, shall be constantly kept on the floors of every garage having a net floor area of more than one thousand (1,000) square feet; and at least one metal pail filled with sand, for use in case of fire, shall be provided for every one thousand (1,000) square feet of floor area.

. A pit for greasing, lubricating, washing or wheel alignment purposes may be permitted, provided such pit is of a sufficient area and so constructed as to permit ready escape therefrom in case of emergency. No such pit shall, in any case be used for repair purposes on gasoline powered vehicles.

. All garages shall be kept clean and shall be provided with sufficient number of self-closing metal receptacles in which all combustible waste material shall be kept until removed from the building.

. A fire extinguisher shall be provided for every garage of one thousand (1,000) square feet of floor area and an additional fire extinguisher shall be provided for every additional two thousand (2,000) square feet of floor area. Such extinguishers shall be of an approved* type for an oil fire, located as directed by the head of the fire department, and not less than 1B rating. The maximum travel distance to reach such an extinguisher shall not exceed fifty (50) feet.

The protection requirements may be fulfilled with extinguishers of higher ratings provided the maximum travel distance to such larger extinguisher shall not exceed seventy-five (75) feet.

*NOTE: Any fire extinguisher listed with a nationally recognized testing laboratory will be considered approved.

. No peson shall smoke in a garage, service station, or on the premises where gasoline or other motor fuels are sold or dispensed and notices to that effect, in block letters not less than two (2) inches in height shall be conspicuously posted at the entrance to and within the garage or on said premises, and on each pump island visible to approaching vehicles; provided, however, that smoking may be allowed in a separate room as approved by the head of the fire department.

. No wood shall be used in the construction of a locker in a garage having a net floor area of more than two thousand (2,000) square feet.

'. No gasoline or other motor fuel shall be delivered to or aken from a motor vehicle while the engine thereof is running. 'his does not apply to tank trucks making deliveries by power.

. No gasoline or Class A flammable fluid shall be used for leaning purposes or kept in any open receptacle for any purpose.

. All tanks used for the storage or sale of gasoline in onnection with a garage or service station shall be made of tandard open-hearth steel tank plate, or may be constructed f materials other than standard open-hearth steel tank plate hen approved by the State Fire Marshal, and shall be constructed, nstalled and located in accordance with the provisions of 27 CMR 9.00.

0. No gasoline pump shall be located above the street floor f a garage, nor shall gasoline be handled above the street loor unless the garage is a building of first-class construction.

1. No motor vehicle shall be supplied with gasoline while in garage in any other way than by means of a hose from either portable tank or direct from a storage tank.

2. Any person, firm or corporation installing dispensing umps for gasoline or other motor fuel in gasoline stations hall provide adequate protection against physical damage to aid dispensing pumps.

3. Each portable gasoline tank used in a garage shall not xceed fifty-five (55) gallons in capacity, shall be mounted n a substantial iron or steel frame with rubber-tired wheels, nd shall be equipped with a suitable hose not exceeding ixteen (16) feet in length, having a shut-off valve located ear the pump connection.

he shut-off valve shall be kept closed when not in use.

4. Any portable or permanent electrically operated gasoline ispensing system authorized under 527 CMR 5.04(11) and 5.04 13) shall, in addition to the safety devices already required, e protected by a heat activated shutoff switch, which will hut off the pump automatically when the temperature reaches 65°F. This switch shall be located within two (2) feet of he ceiling and within ten (10) feet of the location of the ozzle discharge.

5. No gasoline shall be delivered to the tank of any motor ehicle from a storage tank except by means of a hose equipped ith an approved self-closing nozzle which shall be held open anually while making delivery or by an approved automatic hut-off nozzle, and no such delivery shall be made except y the owner-operator or a duly authorized employee, except s otherwise provided in 527 CMR 5.04(16). No gasoline shall e delivered into a portable container having a maximum capacity f seven (7) gallons or less which is not labeled in accordance ith the pertinent provisions of 527 CMR 5.04(18).

6. The dispensing of motor fuel by means of self-service utomated dispensing systems shall be permitted, provided hat the applicant for such a system has submitted complete lans and specifications of the proposed installation to the tate Fire Marshal accompanied by the required examination fee as uthorized in Section 3B of Chapter 7, M.G.L., inserted by hapter 684 of the Acts of 1975, and has obtained approval f said plans, and further provided that there is compliance ith the following: full self-service facility may be allowed rovided that:

a. The service station is under the control of the owner, operator, or duly authorized employee who shall be on duty at all times while motor fuel is being sold or dispensed.

b. The motor fuel shall be dispensed only by a competent licensed motor vehicle operator or by the service station attendant.

c. In addition to 527 CMR 5.04(5) and (8), approved signs bearing the words "Extinguish All Smoking Materials" and "Stop Motor While Refueling" shall be conspicuously posted at both ends of the pump dispensing island visible to approaching vehicles. All approved signs required by these regulations shall consist of block letters not less than two (2) inches in height and be either red letters on a white background or white letters on a red background.

d. The controlling mechanism console providing power to the pump motor is in constant attendance by the owner, operator or duly authorized employee at all times while motor fuel is being dispensed and is properly protected against physical damage from motor vehicles. constant attendance shall mean that the console operator must be at the console during its operation.

e There is constant contact between the controlling mechanism console operator and the pump island by means of an inter-communication system which shall be maintained in proper operating condition at all times while motor fuel is being dispensed.

f A means is provided for the controlling mechanism console operator to observe the filling operation at each vehicle, and the dispensing of motor fuel shall be continuously observed by the console operator during the time that any of the pumps have been activated to dispense motor fuel.

g The controlling mechanism console includes a disconnect switch which will instantly cut off all pumping power to all motor fuel pumps at the service station.

h The controlling mechanism console, switches, and related equipmer are of a design and type approved by the State Fire Marshal.

i Any person, firm, or corporation constructing a self-service facility or making changes or alterations in the method of dispensing motor fuel shall notify the head of the fire department, in writing, prior to submitting plans to the State Fire Marshal.

Self-service automated motor fuel dispensing system for which plans have been submitted subsequent to June 20, 1975, shall be equipped with a fire extinguishing system of a type approved by the State Fire Marshal, details of which shall be included with plans submitted to the State Fire Marshal for approval.

Motor fuel shall be dispensed only by means of an approved automatic shut-off nozzle which shall be held open manually. Hold-open clips shall not be allowed on self-service nozzles. Split-island facility may be allowed provided that:

There shall be installed on the full service islands an additional switch which will activate the overhead fire suppression system on, and deactivate power to, the self-service island.

The station operator shall be within 25 feet of one of the switches as defined in (2)(a) whenever the self-service dispensing mechanism is in operation.

Whenever the self-service dispensing mechanism is in operation, the service station operator shall be within visual range of the filling operation, complying with 527 CMR 5.04(16)(a), 5.04(16)(b), 5.04(16)(c), 5.04(16)(g), 5.04(16)(h), 5.04(16)(i), 5.04(16)(j), and 5.04(16)(k).

7. No gasoline shall be handled outside of storage tanks or portable gasoline tanks except in approved safety cans or approved metal or plastic containers, and they shall be kept tightly closed except when in use. Containers used for the handling and storage of gasoline in garages shall have a total quantity not to exceed fourteen (14) gallons, and no such container shall have a capacity in excess of seven (7) gallons.

8. No person shall sell or offer for sale any container having a capacity of seven (7) gallons or less which in any way is represented as suitable for the storage and/or transportation of gasoline or kerosene unless such container has been approved by the state Fire Marshal and has permanently affixed thereon a statement of approval, an approval number, and the date of approval as issued by the State Fire Marshal. Gasoline container shall be red in color approved by the State Fire Marshal and shall bear the word "Kerosene." Lettering on both containers shall be permitted. This rule shall not apply to those containers constructed and tested in accordance with Underwriters Laboratories (UL) Metal Safety Can standard 30 or Factory Mutual (FM) Safety Can Standard 6051/6052 for the storage and handling of small quantities of flammable and combustible liquids.

9. No gasoline or other petroleum products shall be allowed to flow upon the floor of or into the drainage system of a garage.

0. No tank wagon or tank truck used for the transportation f gasoline, oil, or other petroleum products shall be kept n any portion of a garage unless the garage is used exclusively or the keeping of such vehicles or unless the portion so used s separated from the rest of the garage by a fire wall. he provisions of this rule need not apply provided all vehicles ept in the garage are the property of one owner.

1. No tank that has been used for the keeping or storage of asoline shall be removed or relocated except as provided in ection 38-A, Chapter 148 of the General Laws, as amended.

2. All openings in barrels or drums which have once contained lass A flammables shall be kept tightly closed at all times, xcept when being refilled, emptied or repaired.

eneral Provisions

. All garages and the manner of keeping, storing or using asoline in connection therewith shall be subject to the nspection of any member of the Department of Public Safety, nd the head of the fire department or his assistants.

. In the event of a leak, rupture, spill, overflow or other ccident involving the handling of flammable liquids, the ead of the fire department shall be notified immediately.

. All underground storage facilities except fuel oil tanks nd containers connected with burning equipment shall be nstalled and monitored for the prevention and detection f leakage of flammable and combustible liquids in accordance ith the following provisions:

. Accurate daily inventory records by means of dip sticking shall be maintained and reconciled on all flammable or combustible liquid underground storage tanks for indication of possible leakage from said tanks or piping. The records shall be kept on the premises available for inspection by any member of the Department of Public Safety, and head of the fire department or his designee, and shall include, as a minimum, records showing type of product, daily reconciliation between sales, use, receipts and inventory on hand. If there is more than one system consisting of a tank(s), serving pump(s) or dispenser(s) for any product, the reconciliation shall be maintained separately for each tank system.

. Daily inventory shall be maintained for each tank system at each location by the operator. The inventory records shall be kept for a minimum of the past twelve (12) months at the premises. The operator shall mean the lessee or person(s) in control of and having responsibility for the daily operation of the facility for the storage and dispensing of flammable and combustible liquids.

Inventory shall be based on the actual daily measurement and recording of tank product and water levels and the daily recording of actual sales, use, and receipts. Daily measurements will be acceptable either by gauge, gauge stick, or by readout from an automated gauging system. The inventory records shall include a daily computation of gain or loss. The mere recording of pump meter readings and product delivery receipts shall not constitute adequate inventory records.

The operator of the location shall be responsible to notify the head of the fire department of situation, and to notify the owner or person(s) in control of the facility to take action to correct any abnormal loss or gain not explainable by spillage, temperature variations or other causes. The owner shall mean the person(s) who owns, as real property, the tank storage system used for the storage and dispensing of flammable and combustible liquids.

As a minimum the following steps shall be taken in an expeditious manner when daily inventory records indicate an abnormal loss:

1. The inventory records shall be checked for error.
2. If no error is apparent, an independent calculation of apparent loss shall be made by a qualified person starting from a point in time where the records indicate a no loss condition.
3. If step 2 confirms no apparent loss, the readily accessible physical facilities on the premises shall be carefully inspected for evidence of leakage.
4. If step 3 does not disclose a leak, the dispensers used with the particular product involved with the apparent loss shall be checked for calibration.
5. If steps 1 through 4 do not explain the apparent loss, the situation shall be reported promptly to the authority having jurisdiction.
6. If step 4 does not explain the loss, and if the piping system can be tested without the need for excavation, the piping system between the storage tank and dispenser(s) shall be tested in accordance with 527 CMR 9.06(20)(a). If it is necessary to excavate to perform a piping test, such a test shall be conducted after a storage tank test has been performed in accordance with step 7.
7. If step 6 does not disclose a leak, the storage tank(s) shall be tested for tightness by an approved test.

8. If steps 1 through 7 do not confirm the apparent loss, the daily inventory shall be continued with a daily independent verification by a qualified person. Additional surveillance of the facility should be engaged to insure against anauthorized removal of product.

9. If any of the above tests or investigations indicate the source of the loss, the owner shall take immediate action to correct the system failure.

Daily inventories need not be maintained on those days that an installation is not in operation, but not to exceed fifteen (15) days.

The owner and operator will conduct an inventory verification program on a scheduled basis, at least once every two (2) years. A copy of the record of this verification program shall be kept on the premises available for inspection by any member of the Department of Public Safety, or head of the fire department or his designee.

NOTE: Upon the cessation of the exercise of a license, the holder of said license shall notify the local licensing authority and the head of the fire department in his area or district. The head of the fire department shall prescribe rules to eliminate hazardous conditions incident to such cessation as provided in 527 CMR 10.12(2)

owner or operator of any self service type business as
t term is defined in Section 2, shall comply with all
trictions appearing on any and all plans submitted to
approved by the Chelmsford Fire Department and the State
e Marshal, including but not limited to any and all restrictions
cerning the number of employees who must be on the premises
ing operating hours.

violation of this section shall be punishable by a fine
one hundred dollars ($100.00) for each offense. Each day
any violation continues shall constitute a separate
ense.

SECTION 9 - TANKS AND CONTAINERS

efinitions

bandoned, out of service for a continuous period in excess f six months in the case of a storage facility which a license rom the local licensing authority is required under the rovisions of M.G.L. c. 148, s. 13, and for a period in xcess of twenty-four months in the case of any other torage facility.

pproved, approved by the State Fire Marshal.

oard, the Board of Fire Prevention Regulations.

athodic protection, a system which inhibits the corrosion of tank or its components either through the sacrificial anode r the impressed current method of creating a corrosion-nhibiting electrical current. (Reference: API (American etroleum Institute) Publication 1632 - First Edition 1983).

ommissioner, the Commissioner of Public Safety.

omponents, piping, pumps, and other related storing, conveyanc-ng, and dispensing elements which, together with one or more anks and any cathodic protection or monitoring system, onstitute a storage facility.

onsumptive use, fuel oil used exclusively for area heating nd/or the heating of domestic water on the premises where tored.

orrosion Expert, a person who, by reason of thorough knowledge f the physical sciences and the principles of engineering nd mathematics acquired by a professional education and elated practical experience, is qualified to engage in the ractice of corrosion control on buried or submerged metal iping systems and metal tanks. Such person shall be accredited r certified as being qualified by the National Association of orrosion Engineers (NACE) or be a Massachusetts registered rofessional corrosion engineer. The corrosion expert shall ollow applicable NACE criteria.

epartment, the Department of Public Safety.

ouble-walled tank, a container with two complete shells which rovide both primary and secondary containment. The container hall have a continuous three hundred sixty degree (360°) nterstitial space between the primary and secondary shell. he interstitial space shall be designed so that an approved nterstitial space monitor is able to continuously monitor his space. All double-walled tanks shall be UL-listed.

ngineer, a Massachusetts registered professional engineer.

uropean Suction System, an underground suction piping system hich is sloped back to the bank so that the contents of the iping will drain back into the tank if the suction is released, nd only one check valve is used which is located directly nder the dispenser.

xisting facility, a facility whose construction, installation r operation began prior to the effective date of the revised dition of 527 CMR 9.00 printed and effective December 31, 986.

lammable liquid, any liquid occurring at normal temperature nd pressure which will emit a vapor which can be ignited y a flame or spark.

lammable liquids, covered by these regulations are divided nto the following three classes:

lass A, any flammable liquid having a flash point below one hundred degrees Fahrenheit (100°F), to be ascertained by any standard closed-cup instrument.

lass B, any flammable liquid having a flash point of not less than one hundred degrees Fahrenheit (100°F) nor higher than one hundred eighty seven degrees Fahrenheit (187°F), to be ascertained by any standard closed-cup instrument.

lass C, any flammable liquid having a flash point above one hundred eighty seven degrees Fahrenheit (187°F) to be ascertained by any standard, closed-cup instrument.

uel oil, oil of grades 1, 2, 4, 5, and 6 established in ccordance with M.G.L. c. 94, s. 249H.

ead of the fire department, the fire chief or other top anking official of the local fire department.

eakage or leak, any uncontrolled movement, measurable by a inal or precision test, as described in the current Pamphlet o. 329 of the National Fire Protection Association, which an accurately detect a leak of 0.10 gallons per hour with he probability of detection of 0.99, and the probability of alse alarm of 0.01. (NOTE: The Massachusetts Department f Environmental Protection requires notice if a tightness est indicates a failure of 0.05 gallons per hour or greater.)

arshal, the State Fire Marshal.

onitoring system, a full-time approved system installed for he purpose of early detection of leaks, such as observation ells, visual or audible alarms, or their equivalent. Minimum tandards of in-tank monitoring systems shall consist of n-tank equipment which provides continuous monitoring of any iquid from the tank at a minimum rate of 0.10 gallosn per our or more over a six-hour period with the probability of etection of 0.99, and the probability of false alarm of 0.01.

Observation well, a dug or drilled cased well which can be used for detecting the presence of flammable liquids, which is drilled to a depth intercepting the water table, and which is installed and maintained in an approved manner.

Operator, the lessee of a storage facility, or the person or persons responsible for the daily operation of a storage facility.

Out of service, not in use in that no filling or withdrawal is occurring.

Owner, the person or persons or government entity having legal ownership of a storage facility.

Person, any agency or political subdivision of the Federal Government or the Commonwealth of Massachusetts; any state, public or private corporation or authority, individual, trust, firm, joint stock company, partnership, association, consortium, joint venture, or other commercial entity; and any officer, employee or agent of said person, and any group of said persons.

Pipeline, any trunk pipeline within the Commonwealth for the transportation of flammable liquids.

Product line leak detector, a device designed to detect product pressure losses in a pressurized product line of a remote pumping station.

p.s.i., pounds per square inch gauge.

Qualified person, a representative certified by the manufacturer of the product being installed or tested.

Remote pumping system, a pressurized product line system in which flammable liquids are supplied to a point away from the tank by means of a pumping unit.

Replacement and substantial modification, a construction of any additions to an existing storage facility, or any restoration, refurbishment, or renovation which significantly repairs or affects the physical integrity of the storage facility or its monitoring system.

Secondary containment or equivalent protection, techniques that may include impervious liners, double-walled tanks, or equivalent methods approved by the Marshal.

Storage facility, one or more tanks at a particular site, together with all components thereof, used or designed to be used for the storage of any product within the scope of this regulation.

Tank, any structure either underground or aboveground used or designed to be used for the storage of any product within the scope of this regulation; as well as any aboveground structure in excess of 10,000 gallons capacity used or designed to be used for the storage of any fluid except water.

l-listed, included in a current list or report of approved
uipment, materials, or methods published by Underwriters
boratories, Inc.

derground storage, where 10% or more of the tank volume
i piping is buried below the ground surface but which shall
t include storage in a freestanding container within a
ilding.

ter supply, any raw or finished source that is presently
ed, reserved for future use, or under investigation for
ture use by a public water supply as defined in 310 CMR
.02, or used as a source of private drinking water by one
more persons. This shall include all land and/or waters
ed as a tributary to a public water system except those
ler 310 CMR 22.22.

ne 2 (Zone of Contribution), that area of an aquifer which
ntributes water to a well under the most severe recharge
l pumping conditions that can be realistically anticipated.
t is bounded by the groundwater divides which result from
ping the well and by the contact of the edge of the aquifer
h less permeable materials such as till and bedrock. At
ne locations, streams and lakes may form recharge boundaries.
cific criteria for the determination of Zone 2 may be
tained from "Guidelines for Public Water Systems" by the
assachusetts Department of Environmental Quality Engineering,
ision of Water Supply.

kes and Fire Protection for Aboveground Tanks

. The Commissioner or head of the Fire Department or his designee
require any tank to be enclosed by a substantial dike constructe
f metal, earth, clay or reinforced concrete, to be no higher than
f the height of the highest tank enclosed, forming a retaining
in not less than the capacity of the largest tank plus 10% of
aggregate capacity of all other tanks within the enclosure.

. A dike surrounding a tank containing fluid susceptible to
olover shall form a retaining basin having a capacity of not
s than 125% of the capacity of the tank or group of tanks
rounded. Unless means are available for extinguishing a
e in a tank, dikes and walls enclosing tanks containing
id susceptible to boilover shall be provided at the top
h a flareback section designed to turn back a boilover
e.

. The total gallonage of a group of tanks to be enclosed in
one diked area shall not exceed 6,300,000 gallons, and
single tank in excess of this amount shall be separately
ed.

. Such an embankment or dike shall be made of clay-core
vel fill, masonry, reinforced concrete, or other approved
erial. An earthwork embankment or dike shall be firmly
compactly built of clean earth from which stones, vegetable

ter, etc., have been removed and shall have a flat top
less than 3 feet in width and slope at least 1½' to 1'
both sides. Small tanks with capacities not over 25,000
lons each may be grouped and an embankment or dike built
und the group of tanks. Embankments or dikes shall be
tinuous with no openings for piping or roadways. Piping
ll be laid over or under the embankments or dikes.

. No building shall be located within the diked area.

. The Commissioner or head of the Fire Department or his
ignee may require any tank to be provided with such connections
fire extinguishing purposes as he may deem necessary.

. First-aid fire control appliances shall be provided in
h quantity and so located as the head of the fire department
prescribe.

Underground Piping

1 All new and replacement piping shall be installed with secondary containment which may include impervious liners, double-walled piping, or equivalent methods approved by the Marshal. If a suction system is used with a check valve under the dispensing pump and the piping is pitched to the tank, secondary containment of new or replacement piping shall not be required. (Reference: 527 CMR 9.11 (3).

2 All new or replacement piping shall be constructed of noncorrodible materials such as fiberglass reinforced plastic (FRP) or its equivalent, or shall be protected against corrosion by the use of a steel system cathodically protected by impressed current or sacrificial anodes or by some other type of equivalent protection. (Reference: 527 CMR 9.15 (6).

3 Product lines shall be installed in a trench between the tank area and the pump island. Similarly, underground vent lines shall be installed in a trench.

4 Before underground piping is installed, the trench shall receive a minimum 6-inch deep bed of well-compacted non-corrosive material such as clean washed sand or gravel. All trenches shall be wide enough to permit at least 6 inches of noncorrosive backfill material around all lines.

5 All pipes connected to such tanks shall lead from the tops of tanks, and the tops of all tanks shall be below the level of the lowest horizontal pipe used in the connection therein except where the design specifically prevents a possible syphoning condition with the approval of the head of the fire department.

6 All pipes used for the conveyance of flammable liquid shall decline to tanks without traps or pockets, and shall be protected against injury. Piping drops from submerged pumps to allow piping decline to the tank shall not be considered a trap.

7 Underground copper piping or tubing shall not be used on new or replacement piping installations unless the copper piping or tubing is adequately protected against physical damage and protected from corrosion. Copper piping or tubing shall only be allowed for use as a product line when installed in an installation covered by 527 CMR 4.00.

8 At marine fueling facilities where tanks are at an elevation which produces a gravity head on the dispensing unit, the tank outlet shall be equipped with a device, such as a solenoid valve, positioned adjacent to, and downstream, as installed and adjusted that liquid cannot flow by gravity from the tank in case of piping or hose failure when the dispenser is not in use.

9 A double elbow swing joint or flexible connector shall be installed at all locations where piping changes direction from horizontal to vertical or from vertical to horizontal.

Underground Tank Installation

1. No new or replacement tank or piping shall be installed, whether as part of a new or existing storage facility, unless the owner has given notice of its installation to the head of the fire department; and no new or replacement tank or piping shall be buried or concealed until it has been inspected for damage and external defects, and has been approved by the head of the fire department or his designee. A tightness test of all new or replacement tanks and piping shall be done after the installing, backfilling and surfacing to grade have been completed, this test shall be of both the tank and the piping.

2. No new or replacement tank shall be installed except by a contractor who has been certified in writing by the manufacturer or a petroleum equipment association as qualified for the purpose. The contractor shall, prior to any installation, submit to the head of the fire department a copy of such certificate.

3. The installation of a new or replacement tank, including anchoring of the tank, shall be carried out in accordance with the manufacturer's recommendation, accepted engineering practices, and the provisions of 527 CMR 9.10, provided that the backfill material for FRP (fiberglass reinforced plastic) tanks shall be pea gravel or crushed stone and the backfill material for all other tanks shall be either pea gravel or clean noncorrosive sand free of cinders, stones, and any other foreign material with the material under the tank to be compacted and the balance to be placed in uniform lifts and to be thoroughly compacted.

4. Any damage to the exterior of a tank or its coating shall be repaired before the tank is covered.

5. Every new or replacement tank and its piping shall be tested separately, at the owner's expense, prior to its being buried. The tank shall be tested by air pressure not less than 3 lbs. and not more than 5 lbs. per square inch. The piping shall be tested hydrostatically (or by air pressure) to 150% of the maximum anticipated pressure of the system but not less than 50 lbs. per square inch gauge at the highest point of the system. After the tank and piping have been fully buried, all subsequent testing of the underground tanks shall be done in accordance with the provisions of Pamphlet No. 329 Chapter 4-3.11 of the National Fire Protection Association, or other test equivalent or superior accuracy. The owner shall furnish the head of the fire department with a certified copy of all testing required by 527 CMR 9.13 which the fire department shall keep with the records of the storage facility.

6. Steel tanks completely underground shall be covered with a minimum of 2 feet of earth or shall be covered with not less than one foot of earth, on top of which shall be placed a slab of reinforced concrete not less than 4 inches thick.

hen they are or are likely to be subjected to traffic, hey shall be protected against damage from vehicles assing over them by at least 3 feet of earth cover, or 8 inches of well-tamped earth plus 6 inches of reinforced oncrete or 8 inches of asphaltic concrete. When asphaltic r reinforced concrete paving is used as part of the pro- ection, it shall extend at least one foot horizontally eyond the outline of the tank in all directions.

. An underground storage tank used for the storage of a lass A flammable liquid, if within 10 feet of a building aving a cellar or basement shall be placed below the level f the floor of such cellar or basement.

eak Detection Equipment, Testing and/or Inventory Requirements or Underground Tanks

. Fuel oil tanks used exclusively for consumptive use, waste il tanks, and hazardous waste tanks shall be exempt from 527 MR 9.11(2), 9.12, and 9.13 (Reference: 527 CMR 5.00, and 310 MR 30.00 "Hazardous Waste Regulations").

. All other tanks shall satisfy one of the three following ptions.

. Mandatory inventory record keeping as defined in 527 CMR 9.12 in addition to periodic tightness testing as defined in 527 CMR 9.13.

. The installation and maintenance of an approved in-tank monitoring system installed and maintained by a qualified person.

i. The operator shall prepare, reconcile, and maintain daily inventory control records for each tank and for every combination of interconnected tanks. This inventory shall be taken by the use of the in-tank monitor for the purpose of prevention and early detection of leaks. (Reference: 527 CMR 9.12)

ii. At the close of each calendar month, the operator shall use the in-tank monitor over a continuous period of six hours to determine any loss of product. A loss of 0.10 gallons per hour or more over a six-hour period with the probability of detection of 0.99 and a probability of false alarm of 0.01 shall constitute a leak.

iii. If the above-mentioned procedure is followed and the tank is considered tight, then the requirements for tank tightness testing in 527 CMR 9.13 shall be considered as being complete.

iv. At the end of each calendar month, the operator shall take a measurement to determine if any water has entered the underground storage tank. This measurement shall be recorded and any excess of water shall be removed. (Reference: 527 CMR 9.12)

c. The installation of an approved double-walled tank, an interstitial space monitoring system, and liquid removal port.

i. This installation shall be exempt from the requirements of tank tightness testing in 527 CMR 9.13 provided that the continuous monitor is installed and maintained by a qualified person.

ii. If the monitor activates, whether a trouble or an alarm mode, the owner or operator shall immediately notify the local fire department.

iii. At the close of each calendar month, the operator shall take a measurement to determine if any water has entered the underground storage tank. This measurement shall be recorded and any excess of water shall be removed. (Reference: 527 CMR 9.12)

3. Double-walled tanks with an approved interstitial space monitoring system aswell as piping with secondary containment shall be required for new or replacement tanks and piping when a sole source aquifer area designated by the U.S. Environmental Protection Agency is underlying the location. All new or replacement piping shall be continuously monitored for product loss.

4. The owner and/or operator of every storage facility shall keep all records of cathodic protection monitoring, leak detection monitoring, inventory records, and any other records required by this regulation for the remaining operating life of the facility. These records shall be made readily available upon request of the Office of the State Fire Marshal and/or the head of the fire department or his designee.

Inventory Methods for Underground Tanks

1. The operator of every new and existing storage facility shall prepare, reconcile and maintain daily inventory records for each tank and for each combination of interconnected tanks with a common level of product (hereinafter, a combination), for the purpose of prevention and early detection of leaks. The preparation, reconciliation, and maintenance of such records shall be done in accordance with the provisions of 527 CMR 5.05(3) as amended, with the following additions and modification:

a. At the close of each calendar month, the operator shall determine, for that month and for each tank or combination, the number of days in which any amount of product was dispensed and the number of days in which a loss of product was recorded. These records shall include the inspection details on monitoring wells and leak detection systems.

b. An abnormal loss of product for any tank or combination shall mean a loss not explainable by spillage, temperature variations or other causes, in excess of 0.5% of the volume of product dispensed over a period of a calendar month.

(Reference: API Publication 1621, Third Edition, 1977 as provided in 527 CMR 5.05 (3)(d).

In the event of any abnormal loss of product, the following steps shall be taken, with the investigation not to stop until the discrepancy has been found, the tank has been tested, repaired or replaced, or the entire procedure has been completed:

i. Inventory input and output records shall be checked by the owner of the tank for arithmetical error.

ii. Inventory shall be checked by the owner of the tank for error in measurement.

iii. If the abnormal loss is not reconcilable by steps (i) and (ii) or cannot be affirmatively demonstrated to be the result of theft, the accessible parts of the storage system shall be checked for damage or leaks.

iv. Monitoring wells and leak detection systems shall be checked for signs of a discharge.

v. Calibration of the inventory measuring system and any dispensers shall be checked.

vi. The entire storage system, excluding the vent but including joints and remote fill lines, shall be tested in accordance with the applicable sections of 527 CMR 9.00.

vii. If a discharge, leak, or threat of release is discovered, the requirements of the applicable sections of 527 CMR 9.20 shall be met by the owner of the tank.

An abnormal gain of water shall be a gain in the water level inside any tank of more than one inch in a 24-hour period.

In the event of any abnormal gain of water, the owner shall, at the owner's expense, have the water removed from the tank and disposed of in a manner as directed by the Department of Environmental Quality Engineering (DEQE) and have the water checked 24 hours later during which time no product shall be added.

Apart from abnormal gains of water, the owner of any tank in which water has accumulated to a depth of 3 inches or more shall at the owner's expense, have the water removed and disposed of in a manner as directed by DEQE.

For every storage facility covered by the inventory control requirements of 527 CMR 9.12, the operator shall maintain record on the premises available for inspection by any member of the Department of Public Safety or the head of the fire department or his designee, in accordance with 527 CMR 5.05 (3)(a); and the inventory records shall be kept on the premises for a minimum of the prior 12 months, in accordance with 527 CMR 5.05(3)(b).

. The negative voltage of every cathodic protection system quipped with a test wire and/or box that is part of the acility shall be recorded, inspected and tested by a ualified person at least annually. If any such system oes not have adequate negative voltage or is otherwise efective, the owner shall have the system repaired promptly y a qualified person. for purposes of this subsection, he term "adequate negative voltage" shall mean a negative oltage of at least -0.85 volts if a copper-copper sulfate eference electrode is used, and of at least +0.25 volts if zinc reference electrode is used when measured in accordance ith NACE RP-01-69-83 criteria and its most recent revision, other criteria contained in NACE RP-01-69-83. If an lectrical impressed current corrosion protection system as been installed, it shall be operated and maintained y a person with sufficient training and experience to nsure that no release occurs during the operating life. ll impressed current systems shall be inspected every ixty (60) days to insure that the equipment is operating roperly.

. For failure to comply with 527 CMR 9.12, see 9.13(6).

esting for Tightness of Underground Storage Facilities

. The owner of every new or existing storage facility shall ave all new or replacement piping tested, at the owner's xpense, in accordance with this section during a period of 2-24 months after the date of installation.

. If any testing discloses a leak or a loss which is not econcilable, the operator and the owner shall comply mmediately with the requirements of 527 CMR 9.20, and the ead of the fire department may direct the owner, at the wner's expense, to have all other tanks on the premises and heir components tested in the same manner.

3 The owner of every existing storage tank which does not ave an acceptable form of leak detection (Ref: 527 CMR 9.24(4)), but which does have a spill containment manhole nd an overfill prevention device shall have the tank tested a the owner's expense during the 5th, 10th, and 15th year fter installation and at five year intervals thereafter ntil 1998.

4 The owner of every existing storage tank which does not ave an acceptable form of leak detection (Ref: 527 CMR 9.24)), and which does not have a spill containment manhole and a overfill prevention device shall have the tank tightness tested at the owner's expense on an annual basis until 1998.

5 Every existing suction piping system not of European design shall either have secondary containment with an approved interstitial space monitoring system or shall be tested during the 3rd, 6th, and 9th year after installation and at three year intervals thereafter.

. With respect to any tank to which the inventory control
uirements of 527 CMR 9.12 are applicable, the head of the
e department shall require the operator to have it and
piping promptly tested, at the owner's expense, whenever
operator fails to prepare, reconcile, and maintain the
ly inventory records or fails to perform the required
thly calculations.

. The head of the fire department may require the owner
any existing tank to have it and its piping tested, at
owner's expense, in any case in which the owner has
led to make timely application for a permit as required
er 527 CMR 9.26.

. Except for testing performed on a tank and its piping prior
their being covered, a tank shall be tested by any final
precision test not involving air pressure which can accurately
ect a leak of 0.10 gallons per hour with a probability of
ection of 0.99, and a probability of false alarm of 0.01,
which has been approved by the Marshal.

. All tests shall be approved and administered by qualified
sons, and any such persons shall notify the head of the
e department prior to administering a test.

0 The owner of every existing pressurized piping system
ch is not monitored through the use of soil monitors at
end of every calendar month minimum shall have the piping
ted, at the owner's expense, on an annual basis.

1 Every existing pressurized piping system which has
ondary containment and an approved interstitial space
itor shall be exempt from tightness testing of the piping.

2 The person performing any test under 527 CMR 9.13 shall
mptly supply the owner and the head of the fire department
h certified copies of all test results for a tank and its
ing. The head of the fire department shall keep his copy
h the records of that storage facility.

ponse to leaks

. In the event of a leak, whether determined by testing or
erwise, the following steps shall be taken:

. The operator shall immediately notify the owner.

. The owner or operator shall immediately notify the head of the local fire department and the Office of Incident Response of the Department of Environmental Quality Engineering (OIR-DEQE).

. If testing has confirmed that the source of the leak is the piping for a particular tank, the operator shall take that tank out of service immediately.

. If testing has confirmed that the source of the leak is a particular tank, the owner shall within 24 hours cause that tank to be emptied of all its product.

nks Abandoned or Temporarily Out of Service

If the owner decides to abandon a tank which is either cated under a building and cannot be removed from the ound without first removing the building or which is so cated that it cannot be removed from the ground without ngering the structural integrity of another tank, the ner shall notify the head of the fire department of this dition. After verification that such condition so sts, the owner shall have all product removed from the nk, by hand pump if necessary, under the direction of the ad of the fire department, and shall have the tank filled h a concrete slurry mix or any other inert material proved by the Marshal for this purpose.

Except as provided in 527 CMR 9.22(1), no tank may be ndoned in place. Any owner of a tank who has decided abandon it and any owner of a tank which has been out service for a period of time constituting abandonment defined in 527 CMR 9.02, shall immediately obtain a mit from the head of the fire department pursuant to .L. c. 148, s. 38A, and, subject to the directions of he head of the fire department, shall have any product moved from the tank, all openings properly secured, and he tank removed from the ground. The product and tank shall disposed of in accordance with 310 CMR 30.00 "Hazardous ste Regulations," at the owner's expense, as directed by he head of the fire department.

The owner of every tank licensed under M.G.L. c. 148, ch the owner has decided to take out of service for a iod of less than six months, shall promptly notify he head of the fire department of the decision, shall e all product removed from the tank and disposed of in ordance with 310 CMR 30.00 "Hazardous Waste Regulations," directed by the head of the fire department, and shall e all openings properly secured and the tank rendered rt. Before any such tank may be restored to service, h owner of the tank shall notify the head of the fire artment, who may require that the owner have the tank n its piping tested, at the owner's expense, in accordance ih the provisions of 527 CMR 9.13(8), (9), and (10).

k Removal

Any person granted a permit by the Marshal or the head the fire department to remove a tank under the provisions M.G.L. c. 148, or 527 CMR 9.00, shall within 72 hours vide the permit-granting authority with a receipt for ivery of said tank to the site designated on the permit.

Before any person is granted a permit by the Marshal or h head of the fire department to remove a tank under the rvisions of M.G.L. c. 148, or 527 CMR 9.00, and said tank s not being transported to an approved tank yard, the person uesting the permit shall provide the permit-granting

thority with written approval for the designated site
disposition. (Reference: 502 CMR 3.00 for tank removal
d disposal procedures)

spection

y person applying for a permit to remove one (1) or
re tanks which have an individual capacity greater than
000 gallons shall be required to have a Chelmsford Fire
partment Firefighter on the site observing a tank removal.
e Firefighter must be on site from the time the tank is uncovered
til the tank has left the site for proper disposal. The Fire-
ghter will be paid detail rate by the person applying for the
rmit through the town of Chelmsford and will be paid a minimum
tail of 4 hours. A minimum notice of 12 hours shall be required
r this detail.

grading of Existing Underground Storage Tank Systems

Fuel oil tanks utilized exclusively for consumptive
e on the premises shall be exempt from the requirements
527 CMR 9.24(4) through (13).

All existing underground storage tanks shall be retrofitted
th a spill containment manhole and an overfill prevention
vice on or before May 30, 1993 unless the storage tank is
quired to be upgraded with Stage II Vapor recovery in
cordance with 310 CMR 7.00 before that date. On all tanks
ich are required to implement Stage II Vapor recovery before
30, 1993 a spill containment manhole and an overfill
evention device shall be installed and operational on the
e Stage II Vapor recovery is to be in effect in accordance
h 310 CMR 7.00. Fuel oil tanks of 1,100 gallons or less
pacity utilized exclusively for consumptive use on the
emises shall be exempt from the retrofit of a spill contain-
nt manhole, provided the tank was installed before January
1989.

An overfill prevention device shall be designed so as
to preclude the ability to perform any required tightness
st on the tank and piping. The following options are
ceptable:

a. A device which shall automatically shut off flow into the tank when the tank is no more than 95 percent (95%) full.

b. A device which shall alert the individual delivering product whenthe tank is no more than 90 percent (90%) full by restricting the flow into the tank or triggering a high-level alarm.

All tanks shall be equipped with leak detection. The
lowing methods are acceptable:

a. A double-walled tank with an approved interstitial space monitor.

b. An approved in-tank monitor which shall be utilized in accordance with 527 CMR 9.11(2)(b).

The following schedule shall be required for the upgrade of leak detection on existing underground storage tanks. If this schedule is not complied with, see 527 CMR 9.24(5), (6) and (7).

THE TANK WAS INSTALLED	LEAK DETECTION REQUIRED BY 12/22
Before 1969 or unknown	1990
1970-1974	1991
1975-1979	1992
1980-Dec. 1988	1993

5. If the tank does not have leak detection installed, in accordance with the above-mentioned upgrade schedule, but has a spill containment manhole, overfill prevention device, and cathodic protection, the tank shall be tightness tested during the 5th, 10th, and 15th year after installation, and at five-year intervals until 1998.

6. If the tank does not have leak detection installed in accordance with the schedule in 527 CMR 9.24(4) and does not have a spill containment manhole, overfill prevention device, and cathodic protection, the tank shall be tightness tested on an annual basis until 1998.

7. If the tank does not have leak detection installed by December 22, 1998, the owner/operator shall have the tank removed from the ground on or before December 22, 1998.

8. All pressurized piping shall meet one of the following requirements by December 22, 1990:

a. If the piping has secondary containment, an approved interstitial space monitor may be used.

b. An automatic flow resistrictor, an automatic shutoff device, or a continuous alarm system shall be installed. These devices shall accurately detect a leak of three gallons per hour with the probability of detection of 0.99 and a probability of false alarm of 0.01. If this option is utilized, the piping shall be required to be tightness tested on an annual basis, or monthly monitoring for vapors in the soil shall be performed and documented.

9. If a European Suction System is used, leak detection is not required on the piping.

10. If a suction system is used which is not a European Suction System, one of the following leak detection options shall be required for the piping:

a. If the piping has secondary containment, an approved interstitial space monitor shall be used.

b. A tightness test shall be conducted every three years.

1. If the facility has unprotected steel tanks and/or piping, they shall be retrofitted with cathodic protection by December 22, 1998. Until cathodic protection has been added, an annual tightness test shall be required if the tank and/or piping do not have cathodic protection by December 22, 1998 the owner/operator shall have the tank and piping removed from the ground on or before December 22, 1998.

1. A tightness test shall be done on both the tank and piping within one month before adding cathodic protection as well as six totwelve months after cathodic protection has been added.

1. The provisions of 527 CMR 9.26(4) shall be complied with when adding any of the above-mentioned devices.

1. Written notification shall be given to the head of the fire department before upgrading begins clearly describing what devices will be installed.

Permits

1 Either the original or photographic copy of all permits granted under the provisions of 527 CMR 9.00 shall be conspicuously posted or kept on the premises.

2 New Storage Facilities:

a No storage facility shall be installed unless the owner shall first have obtained a permit from the head of the fire department. This permit shall be in addition to any license or any other permit required by M.G.L. c. 148, or by any regulations issued thereunder.

b The appliation for a permit shall be on a form obtained from the head of the fire department and shall include the following information and any other information he or the Department may require:

i. Name, address, and telephone numbers (day and night) of the owner.

ii. Name, address, and telephone numbers (day and night) of the operator.

iii. The number of tanks in the proposed facility and the capacity of each proposed tank.

iv. The proposed type of construction of each tank and its piping, together with the tank's approval number if any, and a description of any provisions made for cathodic protection, electrical isolation, and early detection of leaks through a monitoring system.

v. The depth below ground level of the lowest and highest points of each proposed tank.

c In a storage facility with more than one proposed tank, the applicant shall furnish the head of the fire department with a certificate signed by a qualified person stating that the proposed facility meets all the design requirements of 527 CMR 9.00.

The applicant shall also furnish a plot plan of the site and the area surrounding it, showing the location of each proposed tank and its components and of any building on the site, the approximate location of any public or private well and of any body of surface water within 500 feet of the proposed storage facility.

The head of the fire department may require secondary containment or equivalent protection for new installations where groundwater below the facility is within Zone II (Zone of Contribution) of municipal water wells, or where private potable water wells or a water supply reservoir is within 300 feet of the bank installation.

Existing Storage Facilities:

The owner of every underground storage facility installed prior to May 9, 1986, shall apply to the head of the fire department for a permit to maintain the storage facility. Application shall be made on forms obtained from the head of the fire department.

The applicant shall furnish a plot plan to scale of the facility site and the area surrounding it, showing the location of each tank and its components and of any building on the site, and the approximate location of any public or private well and of any body of surface water within 500 feet of the storage facility. Legend notes shall include, to the extent available to the owner, the following information and any other information required by the head of the fire department.

i. Name, address, and telephone numbers (day and night) of the owner.

ii. Name, address, and telephone numbers (day and night) of the operator.

ii. The number of tanks in the facility and the capacity and contents of each tank.

iv. The type of construction for each tank and its piping, together with a description of any provisions made for cathodic protection, electrical isolation, and early detection of leaks through a monitoring system.

v. The date of installation of each tank.

The owner shall furnish evidence of the date of installation. Such evidence may include, but is not limited to, a copy of any license or permit issued by the local licensing authority and the head of the fire department. If no substantial evidence of the date of installation is supplied, the tank shall be presumed to have been installed 20 years prior to May 8, 1986.

The following storage facilities shall be exempt:

i. Farm or residential tanks of 1100 gallons capacity or less used for storing motor fuel for noncommercial purposes.

ii. Residential or commercial tanks storing or having stored heating oil (fuel oil) for consumptive use on the premises.

The filing deadline for a permit to maintain an existing storage facility is May 8, 1986.

Replacement or Substantial Modification:

There shall be no replacement of a tank or its components or substantial modification of any storage facility unless the owner has first applied for and obtained approval in writing from the head of the fire department who shall keep a copy of his approval with the records for that storage facility.

Any application for approval under 527 CMR 9.26(4) shall be in writing and shall clearly describe the type of construction of any replacement tank or component of the modification that is proposed.

Any application to add cathodic protection to an existing storage facility using one or more steel tanks shall be accompanied by a design plan prepared by corrosion expert which plan is to include provisions for a test box to allow measurement of electrical potential and current flow.

If the head of the fire department determines that the proposed replacement or modification constitutes a danger to a public or private well, aquifer, recharge area or body of surface water, or for any other reason, the head of the fire department may deny the application or approve it subject to conditions that he may deem necessary to protect such public or private water supply.

No replacement or substantial modification shall be made except by a contractor who has been certified by the manufacturer as qualified for that purpose.

The head of the fire department may require that existing tanks other than those used for heating purposes shall be equipped with observation wells or other detection systems if in his opinion the location of the tanks could jeopardize safety of the public.

Renewal of Permits and Changes of Ownership:

The owner of any new or existing facility for which a permit has been issued under 527 CMR 9.26 (2) and (3) must apply to the head of the fire department for renewal of the permit at 5-year intervals from the date on which the original permit was granted. The application for renewal must include any changes required under 527

CMR 9.26(1)(b) and (2)(a). No application for renewal may be denied except for violations of 527 CMR 9.00 and in accordance with the procedural requirements of 527 CMR 9.25(2).

The owner of any storage facility shall within seven working days notify the head of the fire department of any changes in the name, address, or telephone numbers of the owner or of the operator. In the case of any transfer of ownership, the new owner shall be responsible for the notification of this transfer.

Installation of Aboveground Waste Oil Storage Tanks

Permanent Storage Outside a Building

Shall be limited to five hundred (500 gallon capacity if the tank is adjacent to a building or other structure). For quantities in excess of 500 gallons capacity, the tank(s) shall be located a minimum of twenty-five feet (25') from any building or structure and shall require a license in accordance with M.G.L. c. 148, s. 13, in addition to a permit from the head of the fire department.

Shall require a permit to install, maintain, and store from the head of the fire department.

Shall be located at least five feet (5') from any building openings.

Shall have a containment dike capable of containing one hundred ten percent (110%) of the capacity of all product within the dike.

The tanks, based upon the building's occupancy, shall be protected against damage from vehicular traffic. The type of protection shall be steel posts, I-beams, or similar protection at the discretion of the head of the fire department.

For security purposes, a fence or an enclosure capable of being locked shall be erected to prevent unauthorized filling of the tank. If the tank does not have a fence or enclosure, the fill shall be capable of being locked.

The tanks shall be vented and the vents shall be a minimum of 1¼" in diameter. Vents shall terminate not less than twelve feet (12') above the adjacent ground level and shall be so located that vapors will not be trapped by eaves or other obstructions and shall be at least five feet (5') from any building opening.

The tank fill shall be located on the top of the tank and be a minimum of 1½" in diameter.

The fill shall be a funnel-type hopper fill large enough to prevent dripping and spillage when filling. The funnel-type hopper shall have a tight-fitting hinged or chained cap which shall be closed when not in use.

The port used for pumping out the tank shall be located on the top of the tank. The fill and the port used for pumping out shall not be the same port.

The support for waste oil tanks shall be of noncombustible material and capable of supporting the superimposed load; and the tank shall be secured against settling, sliding, or lifting.

All tanks shall be UL-listed and shall conform to the design criteria in 527 CMR 9.00.

Each tank in which hazardous waste is being accumulated shall be clearly marked and labeled throughout the period of accumulation with the following:

1. The words "HAZARDOUS WASTE".
2. The hazardous waste identified in words (e.g., WASTE OIL).
3. The type hazard associated with the waste indicated in words (e.g., TOXIC).
4. The date on which each period of accumulation begins in that tank.

NOTE: Marks and labels shall be placed on the sides of each tank in such a manner that they are clearly visible for inspection.

Underlying all aboveground tanks in which hazardous waste is accumulated shall be a surface that is designed and at all times operated so that is free of cracks and gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed. All aboveground hazardous waste tanks shall be placed so that all the surface beneath each such tank can be inspected for spills and structural integrity.

The tank shall have a heavy protective coating of some rust-resisting material.

All tanks and associated piping shall be installed by a qualified person. This shall include certified burner technicians as well as licensed petroleum system installers.

Waste oil tanks shall be tested by the manufacturer for tightness by being subjected to five pounds (5 lbs.) pressure, and shall have securely affixed thereto a metal tag certifying such test and which has legibly indicated thereon the maker's name.

The head of the fire department may allow for alternative means of compliance provided the design is satisfactory and complies with the intent of this and other applicable regulations.

Permanent Storage Inside a Building

Shall be limited to five hundred (500) gallons capacity.

Shall require a permit to install, maintain, store from the head of the fire department.

Shall be located at least five feet (5') from exits. Overhead garage doors shall not be considered exits.

Shall have a drip pan or accidental spill containment at the discretion of the head of the fire department. The drip pan or spill containment is for minor spills and shall not be considered a dike. No containment diking is required.

The tank, based upon the occupancy of the building, shall be protected against damage from vehicular traffic. The type of protection shall be steel posts, I-beams, or similar protection at the discretion of the head of the fire department.

The tank shall be vented to the outside of the building.

Vents shall be a minimum of 1¼" in diameter. Vents shall terminate not less that twelve feet (12') above the adjacent ground level and shall be so located that vapors will not be trapped by eaves or other obstructions and shall be at least five feet (5') from any building opening.

The tank fill shall be located on the top of the tank and be a minimum of 1½ inches in diameter.

The tank fill shall be a funnel-type hopper fill large enough to prevent dripping and spillage when filling. The funnel-type hopper shall have a tight-fitting hinged or chained cap which shall be closed when not in use.

The port used for pumping out the tank shall be located on the top of the tank. The fill and the port used for pumping out shall not be the same port.

The support for waste oil tanks shall be of noncombustible material and capable of supporting the superimposed load; and the tank shall be secured against settling, sliding or lifting.

All tanks shall be UL-listed and shall conform to the design criteria in 527 CMR 9.00.

Each tank in which hazardous waste is being accumulated shall be clearly marked and labeled throughout the period of accumulation with the following:

1. The words "HAZARDOUS WASTE".
2. The hazardous waste identified in words (e.g., WASTE OIL).
3. The type hazard associated with the waste indicated in words (e.g., TOXIC).
4. The date on which each period of accumulation begins, marked on each tank at the time accumulation begins in that tank.

NOTE: Marks and labels shall be placed on the sides of each tank in such a manner that they are clearly visible for inspection.

Underlying all aboveground tanks in which hazardous waste is accumulated shall be a surface that is designed and at all times operated so that it is free of cracks and gaps and is sufficiently impervious to contain leaks and spills until the collection material is detected and removed. All aboveground hazardous waste tanks shall be placed so that all the surface beneath each such tank can be inspected for spills and structural integrity.

The tank shall have a heavy protective coating of some rust-resisting material.

All tanks and associated piping shall be installed by a qualified person. This shall include certified burner technicians as well as licensed petroleum system installers.

Waste oil tanks shall be tested by the manufacturer for tightness by being subjected to five pounds (5 lbs.) pressure, and shall have securely affixed thereto a metal tag certifying such test and which has legibly indicated thereon the maker's name.

The head of the fire department may allow for alternative means of compliance provided the design is satisfactory and complies with the intent of this and other applicable regulations.

Removable Storage Inside a Building

Shall be limited to 165 gallon capacity.

Shall require a permit to install, maintain, and store from the head of the fire department.

Shall be located as far as possible from exits. Overhad garage doors shall not be considered exits.

Shall have a drip pan or accidental spill containment at the discretion of the head of the fire department. The drip pan or spill containment shall not be considered a dike. No containment diking is required.

The container(s), based upon the occupancy of the building, shall be protected against damage from vehicular traffic. The type protection shall be steel posts, I-beams, or similar protection at the discretion of the head of the fire department.

A funnel-type hopper fill large enough to prevent dripping and spillage when filling shall be on site and used during filling procedures.

At the discretion of the head of the fire department, emergency relief venting shall be installed on all containers.

When not in use, the container(s) shall be capped vapor tight.

Each tank in which hazardous waste is being accumulated shall be clearly marked and labeled throughout the period of accumulation with the following:

1. The words "HAZARDOUS WASTE".
2. The hazardous waste identified in words (e.g., WASTE OIL).
3. The type hazard associated with the waste indicated in words (e.g., TOXIC).
4. The date on which each period of accumulation begins in that tank.

NOTE: Marks and labels shall be placed on the sides of each tank in such a manner that they are clearly visible for inspection.

Underlying all aboveground tanks in which hazardous waste is accumulated shall be a surface that is designed and at all times operated so that it is free of cracks and gaps and is sufficiently impervious to contain leaks and spills until the collection material is detected and removed. All aboveground hazardous waste tanks shall be placed so that the surface beneath each such tank can be inspected for spills and structural integrity.

The location of the removable container(s) shall be specified by the head of the fire department.

The head of the fire department may allow for alternative means of compliance provided the design is satisfactory and complies with the intent of this and other applicable regulations.

Automotive Lubrication Service Centers

The following applies to the storage of flammable fluids within an automotive lubrication service center when the storage is to be in tanks installed aboveground. When the quantities to be stored are in excess of five hundred (500) gallons aggregate, the following rules shall apply.

The aggregate capacity of all aboveground storage tanks shall be limited to a maximum of six thousand (6,000) gallons.

No individual tank shall have a capacity in excess of one thousand (1,000) gallons.

The maximum amount of waste oil storage on the site shall be two thousand (2,000) gallons aggregate.

A license shall be required in accordance with M.G.L. c. 148, s. 13.

A permit to install, maintain, store shall be obtained from the head of the fire department.

The tanks shall be located in a separate room (known as the storage room) from the main work area by a two-hour fire-rated concrete block wall or other acceptable separation.

The storage room shall be equipped with a fixed fire suppression system designed and installed in accordance with NFPA 17.

The entrance to the storage room shall have a threshold a minimum of twelve inches (12") high with a two-hour fire-rated door closed when not in use.

The storage room shall be large enough to act as a containment dike capable of containing one hundred ten percent (110%) of the largest tank capacity plus ten percent (10%) of the aggregate amount of all other tanks.

All tanks shall be vented to the outside of the building. Waste oil tank vents shall be a minimum of 1¼ inches in diameter and shall terminate not less than twelve feet (12') above the adjacent ground level and shall be so located that vapors will not be trapped by eaves or other obstructions and shall be at least five feet (5') from any building opening.

The support for the tank(s) shall be of noncombustible material and capable of supporting the superimposed load; and the tank shall be secured against settling, sliding or lifting.

All tanks shall have a heavy protective coating of some rust-resisting material. All tanks should be UL-listed and shall conform to the design criteria in 527 CMR 9.00.

All tanks shall be tested by the manufacturer for tightness by being subjected to five pounds (5 lbs.) pressure, and shall have securely affixed thereto a metal tag certifying such test and which has legibly indicated thereon the manufacturer's name.

All tanks and associated piping shall be installed by a qualified person.

Each tank in which hazardous waste is being accumulated shall be clearly marked and labeled throughout the period of accumulation with the following:

1. The words "HAZARDOUS WASTE".
2. The hazardous waste identified in words (e.g, WASTE OIL).
3. The type hazard associated with the waste indicated in words (e.g., TOXIC).
4. The date on which each period of accumulation begins, marked on each tank at the time accumulation begins in that tank.

NOTE: Marks and labels shall be placed on the sides of each tank in such a manner that they are clearly visible for inspection.

Underlying all aboveground tanks in which hazardous waste is accumulated shall be a surface that is designed and at all times operated so that it is free of cracks and gaps and is sufficiently impervious contain leaks and spills until the collection material is detected and removed. All aboveground hazardous waste tanks shall be placed so that all the surface beneath each such tank can be inspected for spills and structural integrity.

The waste oil tank(s) shall be equipped with a valve which will close when the tank has been filled to within ninety-five percent (95%) of its capacity to prevent further filling of the tank or shall be equipped with an audible high level alarm which shall sound when the tank(s) has been filled to within ninety-five percent (95%) of its capacity.

The basement shall be constructed entirely of noncombustibel materials, including storage racks and platforms.

The basement shall be provided with a mechanical ventilation system capable of providing a minimum of six air charges per hour with duct openings located not less than 6 inches nor more than 12 inches above the floor.

The basement area shall have proper means of egress in accordance with the Massachusetts State Building Code.

The oil and lube oil pumps and product delivery lines shall not be left under pressure when the lubrication center is not open for business unless a protective device is installed that will prevent continuous pumping of product in the event of a line or pipe rupture.

The head of the fire department may allow for alternative means of compliance provided the design is satisfactory and complies with the intent of this and other applicable regulations.

Any violation of this section shall be punishable by a fine of two hundred dollars ($200.00) for each offense. Each day that a violation continues shall constitute a separate offense.

o 10 Rules and Regulations

Te Fire Chief may make such rules and regulations not
sstent with the provisions of this By-Law, as may be
sry to promulgate a comprehensive fire safety code.

o 11 Administration

1 The provisions of this By-Law shall be enforced by the
Cief or his designee and the Fire Chief shall, in addition
y other remedy available, have full power to initiate
rminal disposition proceedings as set forth in Article I
a Provision, Section 2 of the General By-Laws.

2 Except for those sections specifying a greater penalty,
ilation of the provisions of this Article shall be
hd by a fine of $50.00, each day any violation continues
onstitute a separate offense.

o 12 Severability

I is hereby declared that the provisions of this By-Law
erable, and if any provisions of this By-Law shall be
nd unlawful by a valid judgment or decree of any court of
ent jurisdiction, such invalidity shall not affect any of
aining provisions of this By-Law.

t in relation thereto.

Fire Department

Article 28. To see if the Town will vote to instruct the
of Assessors to issue a certain amount of money from Free
n the Treasury for the reduction of the tax rate; or act
ution thereto.

Town Treasurer

not and make return of this warrant with your doings thereon

and place of said meeting.

our hands this 19thday of March , A.D. 1991.

BOARD OF SELECTMEN OF TOWN OF CHELMSFORD

Bonita A. Towle, Chairman

Dennis J. Ready, Vice Chairman

Henrick R. Johnson, Jr, Clerk

Bradford O. Emerson

Roger A. Blomgren

COMMONWEALTH OF MASSACHUSETTS

;S

MAR 25 1991

the within warrant, I have notified and warned the
s of the Town of Chelmsford by posting up attested
s me at the following places, to wit:
e Building Gym, Harrington School Gymnasium, Harrington
n sium, Westland School Cafeteria, Byam School
, Westland School Cafeteria, McCarthy Middle School
a ium, McCarthy Middle School Small Gymnasium, and Town
l ing Gym, and Town Office Building Lobby.

Signed:

William E. Spence

William E. Spence,
Constable

y Attest, William E. Spence

William E. Spence, Constable

Joseph M. Erbacher	24	24	30	43	43	32	30	37	48	311
W. Matthew Whiting	53	53	49	83	70	64	65	55	57	549
Rose A. Sergi	108	178	91	130	119	128	97	154	105	1110
Richard E. DeFreitas	229	241	244	362	275	253	282	245	236	2367
Ronald W. Wetmore	93	125	99	92	180	110	97	103	70	969
William R. Logan	307	212	279	221	279	343	343	277	254	2515
Peter V. Lawlor	172	138	250	195	238	338	310	190	173	2004
										0
										0
Write-In	0	0	2	3	3	2	2	1	0	13
Misc	0	0	1	0	0	0	0	0	0	1
TOTAL	1381	1236	1370	1428	1542	1658	1580	1370	1264	12829
SCHOOL COMMITTEE 3 Year Term										
Blanks	54	47	47	43	29	63	40	52	31	406
Cheryl M. Warshafsky	261	279	243	307	248	304	241	306	244	2433
Barbara H. Ward*	376	287	394	363	491	460	508	327	357	3563
										0
Write-In	0	2	1	1	1	2	1	0	0	8
Misc	0	3	0	0	2	0	0	0	0	5
TOTAL	691	618	685	714	771	829	790	685	632	6415
LIBRARY TRUSTEE 3 YEAR TERM (2)										
Blanks	473	427	467	484	558	560	543	498	440	4450
Kay E. Roberts	344	258	322	367	365	401	350	315	283	3005
James E. Decker	241	179	222	259	268	317	335	222	217	2260
Nancy J. Knight	322	371	356	317	350	380	352	334	321	3103
										0
Write-In	0	1	3	0	1	0	0	1	1	7
Misc	1	0	0	1	0	0	0	0	2	4
TOTAL	1381	1236	1370	1428	1542	1658	1580	1370	1264	12829
BOARD OF HEALTH 3 Year Term										
Blanks	222	208	217	224	299	270	266	218	249	2173
Paul F. McCarthy*	467	407	466	487	471	557	522	463	379	4219
Write-In	1	1	1	2	1	2	2	4	3	17
Misc	1	2	1	1	0	0	0	0	1	6
TOTAL	691	618	685	714	771	829	790	685	632	6415
PLANNING BOARD 3 Year Term (3)										
Blanks	652	618	639	695	719	727	742	658	608	6058
Norma H. VonFricken	226	217	199	222	249	241	225	236	198	2013
Kim J. MacKenzie*	386	321	378	386	441	490	463	378	335	3578
James P. Good*	416	319	401	431	479	530	472	401	396	3845
Christine A. Gleason*	392	376	434	406	424	498	466	381	353	3730
										0
Write-In	1	1	1	0	1	1	2	1	2	10
Misc	0	2	3	2	0	0	0	0	4	11
TOTAL	2073	1854	2055	2142	2313	2487	2370	2055	1896	19245

Blanks	242	207	237	230	279	291	299	212	276	2273
William P Keohane*	447	409	446	483	491	536	491	472	352	4127
Write-In	1	0	0	1	1	2	0	1	3	9
Misc	1	2	2	0	0	0	0	0	1	6
TOTAL	691	618	685	714	771	829	790	685	632	6415

SEWER COMMISSION 3 year Term

Blanks	246	180	238	225	305	290	295	220	256	2255
George F. Abely	442	436	444	488	465	536	494	463	374	4142
Write-In	1	1	1	1	1	3	0	2	0	10
Misc	2	1	2	0	0	0	1	0	2	8
TOTAL	691	618	685	714	771	829	790	685	632	6415

CEMETERY COMMISSION 3 Year Term

Blanks	248	185	225	212	303	274	282	221	254	2204
Everett V. Olsen*	440	433	456	500	468	553	507	463	375	4195
Write-In	1	0	4	1	0	2	0	1	3	12
Misc	2	0	0	1	0	0	1	0	0	4
TOTAL	691	618	685	714	771	829	790	685	632	6415

QUESTION 1

Blanks	91	74	58	75	81	104	72	85	69	709
Yes	510	477	559	537	604	634	636	503	492	4952
No	90	67	68	102	86	91	82	97	71	754
TOTAL	691	618	685	714	771	829	790	685	632	6415

REPRESENTATIVE TOWN MEETING MEMBERS 3 Year Term (unless specified)

PREC 1 (6)	TOTAL
Blanks	1931
Richard P McClure*	378
Joel M. Karp	375
Jean B. Rook*	344
Martha McClure*	363
Robert M. Schneider*	338
William E. Spence*	398
Write-In	7
Misc	12
TOTAL	4146

PREC 2 (6)	TOTAL
Blanks	1625
Milton H. Kinney Jr	376
Karen S. Vandenbulke*	323
Marc A. Vandenbulke*	309
Jeffrey W. Stallard*	341
Mary Jo Welch*	355
Albert Leman*	367
Write-In	8
Misc	3
TOTAL	3707

PREC 3 (6)	TOTAL
Blanks	1886
Ann Y. Graham	379
Thomas J. Welch*	385
Pamela S. Amway*	353
Michael F. McCall	400
Robert D.Marazzi*	333
Thomas E. Moran*	366
Write-In	3
Misc	5
TOTAL	4110

PREC 1 (1) Unexpired 2 Year Term	TOTAL
Blanks	266
David A. MacDonald	423
	0
Write-In	1
Misc	1
TOTAL	691

Donald P. Ayer*	382
Michael R. Parquette*	376
Beverly A. Koltookian*	394
Write-In	2
Misc	4
TOTAL	4284

Jonathan A. Stevens*	440
Catherine R. Brown*	430
Steven J. Temple*	397
John R. Hibbard Jr*	314
Write-In	4
Misc	0
TOTAL	4626

Howard I. Hall*	415
Mary E. Franz*	451
Earl C. Burt*	420
Write-In	20
Misc	1
TOTAL	4974

PREC 7 (6)	TOTAL
Blanks	2218
Paul F. Gleason	442
Margaret A. Schloeman*	393
Frederick W. Wikander*	446
Thomas E. Mills*	403
Carol A. Stark*	403
Linda G. Morabito*	429
Write-In	6
Misc	0
TOTAL	4740

PREC 8 (6)	TOTAL
Blanks	1678
Bruce J. Harper*	429
Christopher T. Garrahan	419
Alexander W. Gervais*	386
Samuel Poulten*	235
Evelyn P. Bell*	386
Peter G. Johnson*	401
Gail E. Poulten	166
Write-In	10
Misc	0
TOTAL	4110

PREC 9 (6)	TOTAL
Blanks	1861
Phyllis M. Elias	358
Frank R. Peterson*	312
Edward A. Cady*	308
Allan T. Galpin Jr*	318
Cynthia J. Kaplan*	307
Joseph M. Erbacher	313
Write-In	5
Misc	10
TOTAL	3792

PREC 9 (1) Unexpired 1 Year Term	TOTAL
Blanks	244
Charles A. Piper	388
Write-In	
Misc	
TOTAL	632

ANNUAL TOWN MEETING
APRIL 29, 1991

The Annual Town Meeting was called to order at 7:36 PM
e McCarthy Middle School Gymnasium, by the Moderator,
s E. McHugh. The Moderator recognized the presence of a
, there were 157 Representive Town Meeting Members
t.

The Moderator acknowledge the students present who had
cipated in the Student Government Day activities held on
day April 25th. He read the list of students and the
e that they held for the day:

man:
ennifer Kalos
ric Pearson
aren Ready
anjula Sastry
rank Soracco

of Health:
iranda McNally
athleen Morris
indsay St.Onge

Commission:
ave Flynn
alit Goldshmid
ichael Sablone

onstable:
risten Kiddler

ry Commission:
inda Tanini
ary Sullivan
auren Young

oderator:
ennifer Scutt

ccountant:
rin Hoyt

Chief:
ark Trainor

Police Chief:
ristine Roffallo

hief:
ian Bell

Fire Chief:
in O'Sullivan

Housing Authority:
Edward Morris
Tom Killman
Christina House

School Committee:
Amy Hiltz
Patti Lee
Lucien Labrecque
Stephanie MacDougall
Donna Sartz,Chairman

Planning Board:
Andy Booth
Dean Kelly

State Senator:
Richard Burtt

Library Trustee:
Becky Cox
Mary Schmidt

Superintendent of Streets:
Clair Curley

DPW/ Town Engineer:
Louise Chen

Cemetery Superintendent:
Kevin Daley

Wiring Inspector:
David Egdall

Building Inspector:
Michelle Brissette

Superintendent of Public Bldg:
Kate Nocivelli

rintendent of Schools:
Kelly Wolfgang

il of Aging Dir:
atherine Theohary

an's Agent:
tacey Shepard

Clerk:
ori Sandler

of Assessors:
Karen Boss
Andria Mitsakos
Sara Siljander

Town Manager:
Erin Ready

Finance Committee:
Noel Dulac
Christine Egan
Cheryl Michallyszyn

Treas/Tax Collector:
Chris Zaher

State Representative:
Rachel DeYoung

Selectman Dennis Ready moved that the reading of the
table's return of service and the posting of the warrant
aived. It was so voted, unanimously. Selectman Ready
e that the reading of the entire warrant be waived. It
o voted unanimously.

The Moderator asked for a moment of silence in memory of
am (Bill, Bumpa) Edge, who passed away on April 18th.
was a past member of the Finance Committee, and served
nerous committees and boards.

The Moderator then asked for the body to grant
ission for two non-residents to address the Town Meeting
the budget and article discussion. Director of the
y, Mary Mahoney, and Business Manger of the School
ment, Sylvester Ingeme. Motion carried.

UNDER ARTICLE 1 Selectman Dennis J. Ready moved that the
vote to hear reports of the Town Officers and
ittees.

The Moderator asked David McLachlan, Chairman of the
s Committee to present the Committee's report. David
clan came forward and read the committee's report.

Chelmsford Rules Committee Report

Rules Committee was convened at the request of the town
ig Representatives. An election by each precinct to
e a representative was conducted and nine members were
se (at the STM of January 7, 1991). The Rules Committee
d that its purpose was to consider and recommend
deline and protocol which will encourage an efficient and
ductive Town Meeting that allows an informed, intelligent
full discussion of the issues at hand. This report
sist of recommendations to be adopted by the Town Meeting
resentatives ("TMR's"). Once adopted some recommendations
ed to be included as changes to the Town's By-laws.

Recommendations to the Town Meeting

1 Town Meeting Management

Timing

Meetings will start promptly at the time posted.

Dates and times of Town Meeting ("TM") continuances will be announce when the warrant is posted.

No warrant article may be introduced after 11 p.m. - unless the TMR's vote to do so.

Physical layout of TM

A location other than the McCarthy Auditorium should be used in order to allow for more room for TMR's to get up to speak and for better lighting.

Selectmen, Town Manager, Town Financial Director, Town Counsel and other experts needed by those individuals sit together, on the left or right of the hall.

Finance Committee sits on the opposite side from the Selectmen.

Center area is reserved for the sponsor and speakers of a warrant article.

First row of the hall or row adjacent to the microphone is reserved for speakers.

A section for the print media will be set aside. Cable 43 commentators will be located off the stage, or away from the discussion. Video and print media should not be allowed to interfere with the TM process or speakers and will be controlled by the Moderator.

Lobbying

The distribution of material and lobbying on warrant articles or other non-TM issues will be prohibited outside of the building housing the meeting. An area will be established inside the building but outside the meeting place where one individual for each side of an issue can distribute material or discuss the issue. Handout material should be dated and signed by the organization.

Town Meeting Vote and Accountability

Voice votes will not be used. An initial vote on an article will be made by hand with colored tickets. The Moderator will visually judge the vote and if in doubt will ask for a specific count.

Roll Call Vote

A request for a roll call vote may be made by 40 TMR's anytime after the Moderator ends debate on the

main motion and before the next article is considered.

.2 A roll call vote is made in sequential order of precincts and alphabetically with the precinct.

.3 The Town Clerk reads the name of the TMR. The TMR votes, "Yea, Nay or Present". No response is recorded as Not voting. The Town Clerk reads back the name and vote.

2.4 At the conclussion of the vote the Town Moderator asks is anyone wishes to vote who didn't and if anyone wishes to change a vote. The inquiry is made in order by precinct.

2.3 Town Meeting Warrant Presentation and Discussion

3.1 Warrant articles must show name of the sponsor.

3.2 When Town property and assets are to be purchased or sold, the name of the purchaser or seller, if known, must be disclosed by the sponsor.

3.3 The sponsor of a warrant article must speak initially to the article.

3.4 Zoning By-law proposals must show clearly a map denoting existing zoning and proposed zoning, including definitions of zones and explanation of changes.

3.5 All By-law language changes must show the language of the existing By-law, the language of the change, and an explanation of the change.

3.6 Financial articles must show the following: dollars for the past two years and the current year: proposed budget dollars: and the revenue generated by the department requesting the budget.

3.7 View graphs must be large enough to be viewed from the back of the hall or handouts should be distributed.

3.8 The Moderator will allow a question and answer period of the sponsor of an article to gather factual information or understanding of the article. Debate of the article is not allowed at this time.

3.9 The Selectmen and Finance Committee must be asked their position on each article, and are encouraged to state their reasons for their position. The Finance Committee is not required to speak on a nonfinancial article.

3.10 Debate

.1 .1 There should be no limit on the length of time someone may speak but speakers are encouraged to be

brief.

.0.2 The Moderator is encouraged to forbid political speeches from candidates; deviation from the issue; and repetition by the speaker.

.0.3 No person may speak a second time until everyone has had an opportunity to speak unless through the use of a "point of information" by a previous speaker who wishes to contradict or dispute a factual statement.

.0.4 The Moderator is encouraged to sense the tenor of the discussion. If all speakers are on the same side of the issue the Moderator should interrupt and ask is there are opposing opinions. If none he should ask the body if they wish to vote.

.11 Rules should be published in each warrant.

he Moderator asked if there were any questions concerning
les Committee report as presented. Edward Hilliard spoke
or of the report, he felt that the Committee did a
dable job and hoped that the body would accept the
. The question was raise on when would the effective
e of this report? The Moderator explained that once the
is presented and voted to accept as presented then that
s the effective date. If this report is accepted then he
ed to begin to incorporate the suggested rules and
tions starting at this meeting, he will get together with
ounsel and decide which ones should be considered actual
s. Cheryl Warshafsky asked how to go about objecting to
icular rule. The Moderator explained that she should get
ch with the committee representative from her precinct or
ounsel, or himself. If any of these rules do become by-
hen any objections or discussion can be done at the
g that they will be voted on. Brad Emerson moved that
port be accepted as presented. The Moderator asked for
e vote, motion carried. Selectman Ready explained that
on the Town Meeting Representatives vote, the Board of
man along with Town Counsel and the Moderator will go
he report and present the necessary by-law changes at the
Town Meeting.

UNDER ARTICLE 2 Frank R. Peterson, Cemetery
ntendent moved that the Town vote to transfer the sum of
0.00 from the Sale of Graves and Lots to the Cemetery
ement and Development Fund.

ank Peterson explained the article. The Finance
tee and the Board of Selectmen were in favor of the
. The Moderator asked for a show of hands, motion
d.

UNDER ARTICLE 3 Selectman Dennis J. Ready moved that the
te to authorize the Town Treasurer to enter into
atory balance agreements, during Fiscal Year 1992, as
ed by General Laws, Chapter 41, Section 53F.

electman Ready explained that this would allow the
rer to determine which bank to put the Town's accounts
ome banks offer different services, and this would allow
make the choice that would be more beneficial to the
The Finance Committee supported the article. The
tor asked if there was any more questions, or need for
sion? Hearing none he asked for a vote by show of hands,
carried.

NDER ARTICLE 4 Selectman Dennis J. Ready moved that the
ote to authorize the Town Treasurer, with the approval of
ard of Selectmen, to borrow money from time to time in
pation of the revenue of the financial year beginning
, 1992, in accordance with the provisions of General
Chapter 44, Section 4, and to issue a note or notes as
given for a period of less than one year in accordance
eneral Laws, Chapter 44, Section 17 and 17(a).

electman Ready moved to withdraw the article. He
ned that there has been some changes in the law and this
e is no longer required. The Moderator asked if there was
re questions, or need for discussion? Hearing none he
for a vote by show of hands, motion carried.

NDER ARTICLE 5 Selectman Dennis J. Ready moved that the
ote to raise and appropriate the sum of $1,555.20 with
to meet bills for previous years.

electman Ready explained that this amount due in the
ment of a firefighters arbitration case, that the Town
He read some excerpts from the case. The union members
harged with excessive use of sick time during the week of
5th through March 12, the Fire Chief decided not to fill
e positions, because he felt that the sickness were not
Even though the union was under contract negotiations at
ne, there was no evidence that the union was responsible
e abusive sick leave claim.

he Finance Committee support the article. Joseph
er questioned what would happen if the Town did not pay
quired amount. Selectman Ready explained that because it
ettlement of an arbitration judgement the Town could be
back into court and find the union in favor and force the
of $1,555.20 plus any penalties. A 2/3's vote is
ed. The Moderator attempted an unanimous vote, receiving
He asked the following tellers to come forward and conduct
d count:

Frawley, Patricia Plank, Jean Horgan, Normand LeBrecque
ts: Yes 136 No 3 2/3's is 93, motion carried.

UNDER ARTICLE 6 Selectman Dennis J. Ready moved that
n vote to raise and appropriate the sum of $22,500.00 to
e a private accounting firm to prepare an audit of all
s in all departments in the Town of Chelmsford.

Selectman Ready explained that this is done each year.
McLachlan requested that the results are published in the

papers, in order for the Town Meeting Representatives be of the recommendations. The Finance Committee ended the article. The Moderator asked for the vote by a f hands, motion carried, unanimously.

NDER ARTICLE 7 Robert Joyce, Vice Chairman of the Sewer sion, moved that the Town vote to transfer the sum of 00.00 from sewer account, special revenue, to reduce the portion of debt and interest in the Fiscal Year 1992 .

obert Joyce explained that the betterment funds will be o defray the cost of the sewer bonds. This is the same e that the Commission supported last year. A discussion lace. The Finance Committee and the Board of Selectmen ed the article. The Moderator asked for the vote by a f hands, motion carried, unanimously.

NDER ARTICLE 8 The Moderator explained that the owing article is the budget for fiscal period from July 991 to June 30, 1992. The Town Manager, Bernard Lynch ll address the Town Meeting Body at this time.

The Town Manager first gave a list and explanation of nges to be made to the balanced budget figures:

anced Budget - Expenditures

Line Item	Orig. Amt	Amend	Revised
Municipal Admin Salaries	$ 768,951	$ -3,725	$ 765,226
Public Safety Salaries	5,218,276	-103,755	5,114,521
Public Safety Expenses	415,196	-9,850	405,346
Comm Services Salary	178,563	+114,721	293,284
Comm Services Expenses	97,300	+9,850	107,150
TOTAL		+7,241	

anced Budget Receipts

Receipt	Original	Revised
Solid Waste	1,403,000	1,442,200

ernative Budget Receipts

Receipt	Original	Revised
Solid Waste	1,200,000	1,256,200

ue Betterment Revenue

Original	Revised
1,081,947	1,300,000

nservation Commission Revenue

Original	Revised
3,655	-0-

Town Manager Bernard Lynch then gave a presentation. He ained that the balance budget provides service cutbacks any town departments. Five areas will be seeking rnative budgets, seeking proposition 2 1/2 override. The simply does not have the funds to provide the services governmental structures that have existed in the past. nues are well down by a half a million dollars. The d costs continue to go up, trash, salaries, debt, rement. Its distasteful not at all enjoyable to have to off personnel, cut programs, but there are no objectives, a question of priorities. The override request will be million dollars, this will still call for service cut s. He is trying to implement in house projects, via oll, tax bills etc in order to save expenses. That is there is an alternative budget via override passage. The le can decide what level of services and level of ion they want.

The Moderator asked the Finance Committee for their nents. Chairman, Dwight Hayward asked the Town Meeting esentatives to address the level funded/balance budget es in order to have a budget in place for July 1st, so the services can continue. This is what is available in nues, then the body can go onto the alternative budgets e the body can deal with the precede problems.

The Moderator then explained the procedure he was going se going through the budget. He would name the line item applies to the category and read the numbers going down specific category. At this point any and all amendments discussion is to take place. No final vote will be taken the end. There will actually be two votes, one for the ced budget figure and one for the alternative budget. hen explained the procedure for amending the figures, and eded to read the budget figures.

He read the Municipal Administration category and its figures, then read the specific category beginning with xecutive Office, Town Manager/Selectmen, where a ion was asked concerning the salaries. He continued to the figures asking for questions at the end of each t. A question was asked about data processing expense. s explained that this is the cost of the Assessor's data ssing contract. He read down to the Elections Budget the question was raised by Robert Joyce, about the ion hours of 12 noon to 8:00 PM. Is there money in the t for the hours to returned to 7AM to 8PM. Town Manager rd Lynch explained that this budget did included those but due to budget cutbacks this year, the hours were ed. The Selectmen each year set the hours for a Town ion. The Moderator continued to read to the Finance ttee, where the question was raised about the Salary t. It was explained that this is for the part time cal help that is used mostly during the budget review of the year, which is when the Finance Committee meets. oderator read on to the Law Department. Bill Dalton ion the figure of $100,000. He wanted to know if this realistic figure. Past figures have been far higher.

ard Lynch explained that those past figures were the
s of negotiations. He continued to read down to the
unity Development/NMCOG line item. What was this
rtment? It was explained that this is the department
the traffic and Safety Commission uses for traffic
ey's and information for development. The Moderator
inued to read asking for questions after each department.
r the Education Category, under the Nashoba Valley
. the question was raised on what effects the budget cuts
having on these students? The Chelmsford High Students
having programs cut and fees are being paid in order to
icipate in athletic programs. Bernard Nystrom
rintendent of Nashoba Tech came forth and answered the
tions. The Moderator asked permission from the body
wing Bernard Nystrom a non resident, to speak, it was so
d. Bernard Nystrom asked for a point of order, according
tate statue, the regional superintendent is allowed to
k at any and all Town Meetings in his region. It was so
d. Bernard Nystrom explained that the Technical High
ol has indeed cut their budget. He explained what the
re cuts may be. A question was raised about the
msford School Budget. Dr. Richard Moser explained that
different unions within the School Department
sdiction had reached compatible agreements regarding
r contracts. It was questions about where the Town stood
the other Town unions. Bernard Lynch said no agreements
been reached. The Moderator continued to read under the
ic Safety/Police Department, Chief McKeon started to
ain why he requested the figures in the alternative
et. The Moderator asked him to wait until after the
nce budget discussion and vote has taken place. He
inued reading, asking for questions and need for
ussion. Under the Public Works category, Solid Waste, a
ussion took place. Joseph Erbacher moved to reduce this
et by $186,000.00. for a total figure of $1,256,200.00.
explained the purpose of his amendment. The Selectmen
se the amendment. The Finance Committee oppose the
dment. A discussion took place, a number of
esentatives spoke in favor and against the motion. Barry
n moved to amend the motion to read $175,000.00. This
d eliminate recycling, leaf collection and keep in the
bin recycling. The Finance Committee and the Board of
tmen were against the motion to amend. Barbara Scavezze
the Solid Waste Committee explained that the present
act for recycling included door to door pick up. Next
the contract will be up for renewal and the costs will
likely increase, the amount shown is the monies needed
his year's contract. More discussion took place.
rns where made about the Federal mandate beginning in
regarding mandatory recycling. Fran McDougall moved the
ion. The Moderator asked for a show of hands on the
n to stop debate, motion carried, unanimously. The
ator asked for a show of hands on Barry Balan's motion
end. Motion defeated. The Moderator asked if there was
discussion on Joseph Erbacher's motion to amend. Joel
moved the question. Motion carried, unanimously be a
of hands. The Moderator asked for a show of hands on
otion to amend, motion defeated. The Moderator asked
ny need of further discussion, hearing none he continued
ng the budget line items from Sewer Division to the

ary budget. A question was asked if the Library met the rements needed to be accredited. Director Mary Mahoney that the requirements were not met, and that she would to apply for a waiver. Under the Undistributed nses/Insurance (liability) Dwight Hayward, Chairman of Finance Committee moved to amend the total Line item to ,500,082. This would be a reduction in the figure , and said that the Committee recommended the figure, ise the costs for certain insurance should decrease. the Moderator asked for the Board of Selectmen's mendation, there was no recommendation one way or the at this time. A discussion took place. The Town er was optimistic about the possibility of savings. listening to the Finance Committee's further nation, the Board of Selectmen recommend the motion to l. The Moderator asked for a vote by show of hands, n carried. Under the Employee benefits budget, Edward question the County Retirement line item. Bernard Lynch ined that this is the Town's portion of the retirement s for all Town Employees and non-Teacher Employees of chool System. Bill Dalton questioned the Unemployment e. It was explained the estimated amount could be en $60-70,000.00 if there are any monies left then it be returned to free cash. The Moderator asked if there ny further discussion, hearing none he continued ng. He read the Debt and Interest category and then the Operating Budget of $42,804,529.00.

A discussion took place concerning the procedure of g the balanced budget as presented. If the meeting was journ, the Moderator was concerned about the two red votes. He felt that the budget appeared under one nt article. He is aware of other motions being slated resentation concerning the alternate budget figures. Counsel James Harrington explained, if this figure is tonight then once the meeting is adjourned then the es under the balance budget cannot be changed, however ther motions (alternate budget figures) can be can ssed, changed and voted on at the next scheduled ng. The Moderator felt that a motion should be made to e the question, or adjourn the meeting and continue the ssion and take the votes at another session, or continue meeting and discuss the alternate budget figures, and A discussion took place. Selectman Ready explained the Board of Selectmen wanted to complete the budget and the final figures in order to call a Special Town ion as soon as possible concerning the alternate budget es, which will appear on the ballot as override ions. And moved to adjourn the meeting until Tuesday, 30th, 1991, 7:30 PM at the McCarthy Gymnasium. More ssion took place concerning the need to vote the balance t figure prior to the adjournment. John Coppinger moved e adjourn the meeting until Wednesday, May 1st, at 7:30 the McCarthy Gymnasium. The Finance Committee and the of Selectmen were against the motion to adjourn to sday. Jeffrey Stallard moved the question. The ator asked for a show of hands, motion carried to stop e. The Moderator asked for a show of hands on the motion journ to Wednesday May 1st. Motion defeated. Grace tried to address the body. The Moderator ruled her out

rder because she was not addressing the issue on
urnment. He then asked for a show of hands on the motion
djourn to Tuesday April 30th., motion carried. The
ing adjourned at 11:20 PM.

m.s E. McHugh,
e ator

Mary E. St.Hilaire,
Town Clerk

ADJOURNED ANNUAL TOWN MEETING
APRIL 30, 1991

The Adjourned Annual Town Meeting was called to order at 1 PM at the McCarthy Middle School Gymnasium, by the ator, Dennis E. McHugh. The Moderator recognized the nce of a quorum, there were 153 Representative Town ng Members present.

UNDER ARTICLE 8 con't The Moderator explained that he has him a procedural motion from Selectman Dennis Ready. He e Motion. Selectman Dennis Ready moved that the n under Article 8 be divided as follows:

To entertain a motion to raise and appropriate a certain sum of money to defray Town charges as recommended by the Town Manager representing a balanced budget.

To entertain one or more separate motions to raise and appropriate certain sums of money to defray Town charges contingent upon passage of a referendum question or questions under Paragraph (g) of Section 59 of the General Laws.

The Moderator explained that this will divided the vote nder this article. One vote will be the balanced budget and the other will be the vote for the alternate budget , which will eventually become the override questions. ance Committee is in favor of the motion. The or asked for any discussion, hearing none he asked for a a show of hands, motion carried.

Town Manager Bernard Lynch moved to add the following e to the end of the wording of the first part of the question: "Such costs may be offset by the estimated s from the fees charged to users of services as set n the budget." Bernard Lynch then explained the budget to be voted on:

perating Budget	$44,143,729.00
by Offset Receipts:	
d Waste	1,441,200.00
r Fees	337,459.00
eation Fees	33,360.00
	42,330,710.00
by Special Revenue	
3 STM 1/7/91	550,000.00
7 ATM 4/29/91	750,000.00
	41,030,710.00

answered questions from the floor, concerning the to amend. The Moderator asked for a vote by a show of motion carried. Joel Karp moved the question to stop any

e debate under the balance budget. The Moderator asked show of hands, an unanimous or 2/3's vote is needed. The was in doubt, the following tellers were called to come rd and conduct a hand count:

h Frawley, Patricia Plank, Lucy Simonian, Jean Horgan.

t of the hand count: Yes 103 No 28 2/3's is 88 motion ed. The Moderator then read the motion: Bernard Lynch hat the Town vote to raise and appropriate the sum of 0,710.00 to defray Town charges for the fiscal period uly 1st, 1991 to June 30, 1992. He asked for a vote by a of hands, motion carried. The Budget figures are as w::

ERAL GOVERNMENT:

1. Salary	$ 765.226
2. Expenses	305,830
3. Out-of-State	801
4. Outlay	2,504
5. Legal Services	30,000
otal General Government	1,104,361

LISFORD SCHOOL DEPARTMENT:

6. Total Budget	21,347,676

HOBA VALLEY TECHNICAL HIGH SCHOOL:

7. Total Town Assessment	492,945

LIC SAFETY:

8. Salary	5,114,521
9. Expense	405,346
0. Out-of-State	3,500
1. Outlay	33,001
otal Public Safety	5,556,368

LIC WORKS:

2. Salary	905,489
3. Expense	2,396,685
4. Out-of-State	0
5. Outlay	2,002
6. Snow and Ice	350,000
otal Public Works	3,654,176

E COMMISSION:

7. Salary	0
8. Expense	47,065
9. Out-of-State	1
0. Outlay	0
otal Sewer Commission	47,066

TERY COMMISSION:

21. Salary	115,420
22. Expense	24,591
23. Out-of-State	500
24. Outlay	5,200
al Cemetery Commission	145,711

UNITY SERVICES:

25. Salary	293,284
26. Expense	107,150
27. Out-of-State	0
28. Outlay	0
al Community Service	400,434

RARY:

29. Salary	443,847
30. Expense	163,239
31. Out-of-State	500
32. Outlay	1
al Library	607,587

STRIBUTED EXPENSE:

33. Total	4,500,082

T AND INTEREST:

34. Principal	4,190,000
35. Interest	2,097,323
al Debt & Interest	6,287,323

A. OPERATING BUDGET 44,143,729

educed by Offset Receipts:	
Solid Waste Fees	1,442,200
Sewer Fees	337,459
Recreation Fees	33,360
	42,330,710
educed by Special Revenue:	
Article 3 STM 1-7-91	550,000
Article 7 ATM 4-29-91	750,000
TL RAISE AND APPROPRIATE	41,030,710

UDER ARTICLE 8A Selectman Dennis J. Ready moved that the f $950,000.00 be raised and appropriated contingent on the g of a referendum question under paragraph (g) of M.G.L. e 59 Section 21 (c) said sum to be added to the sum piated to Line Item #6 School Department Total Budget rticle 8 of the 1991 Annual Town Meeting.

Superintendent of Schools Dr Richard Moser gave a nation explaining the cuts that were made and showed the hat the staff of the School Department took certain ons in. Judy Mallette, Chairman of the School Committee e committee's comments and asked for support of an

de question which would reflect the alternate budget
of $22,776,587.00. The Finance Committee supports the
ate budget request. The Selectmen support the
unity for the question to appear on the ballot. A lengthy
sion took place. Lorraine Lambert spoke about the cuts
ade in the school library departments. Bill Dalton
oned the legal counsel fees, between the school and the
over $200,000.00 has been spent and felt the need for a
s should be addressed. Roger Blomgren moved the question
debate. The Moderator asked for a show of hands, which
he Chair in doubt. The tellers came forward and
ed an hand count. Yes 114 No 25 2/3's 83 motion
d. The Moderator asked for a show of hands on the
, motion carried.

UNDER ARTICLE 8B Selectman Dennis J. Ready moved that the
$150,000.00 be raised and appropriated contingent on the
of referendum question under paragraph (g) of M.G.L.
59 Section 21 (c) said sum to be added to the sum
iated to Line Item #8 Public Safety Salary under Article
he 1991 Annual Town Meeting for the Police Department
Account.

he Moderator explained that there would be two public
articles, this one is for the Police Department, and
one will be for the Fire Department. Town Manager
l Lynch explained the article, this is to keep the staff
current fiscal year 91 level of officers. A lengthy
sion took place. Questions were asked concerning the
of officers available on each shift, the number of
s and marked cars. Roger Blomgren moved the question,
erator ruled him out of order. The Finance Committee
nded an override for Public Safety but at a reduced
Dwight Hayward moved to reduce the original sum by
00 which would give a total figure of $93,000.00. The
ee said this amount represented a minus of the 3% salary
e that is due to the union employees on July 1st. The
f Selectmen were against the motion to amend. More
ion took place. Grace Dunn President of the Federation
hers Union read a statement concerning the way the non-
unions were handled during proposed contract
tiations. It was not fair to compare the School Unions
el with the Town Unions. Roland Linstad, President of
ice Union, spoke against the motion to amend. A number
Meeting Representatives spoke for and against the
Roger Blomgren moved the question. The Moderator
or a show of hands, motion carried. The Moderator asked
how of hands on the motion to amend, motion defeated.
erson moved the question to stop further debate under
n motion. The Moderator asked for a show of hands,
carried, unanimously. The Moderator asked for a show of
n the motion, motion carried.

UNDER ARTICLE 8C Selectman Dennis J. Ready moved that the
$307,000.00 be raised and appropriated contingent on the
of referendum question under paragraph (g) of M.G.L.
59 Section 21 (c) said sum to be added to the sum
iated to Line Item #8 Public Safety Salary under Article

ne 1991 Annual Town Meeting for the Fire Department
Account.

own Manager explained that this was to keep the staff at
rrent level of services. If the question did not pass on
llot then eight firefighters would be laid off and
es cut. He felt the voters should decided the issue. A
of questions were asked concerning the staff and actual
o be made. Chief Robert Hughes explained that the eight
uld be laid off and that the West Fire Station would be
. This station could be covered by the other surrounding
ns, however the response time would be increased from the
two minute to at least five minutes or more. The
e Committee said that they had planned to propose a
3% reduced figure like in the Police Department,
they felt that the same result would happen and will
end the article, but the Committee is in favor of this
an override question. The Board of Selectmen are in
of this article, it is an attempt to maintain level
es. Brad Emerson moved the question. The Moderator
ed an unanimous show of hands, the tellers came forward
nducted an hand count. Results: Yes 124 No 3 85 is
the motion carried to stop debate. The Moderator then
for a show of hands on the article. Motion carried.

UNDER ARTICLE 8D Town Manager Bernard Lynch requested that
e tabled due to the possibility of lengthy debate, and
o the Library article. The Moderator felt that because
ticles were all under the same motion, he would just
on to the Library article.

UNDER ARTICLE 8E Selectman Dennis J. Ready moved that the
$13,083.00 be raised and appropriated contingent on the
e of a referendum question under paragraph (g) of the
. Chapter 59 Section 21 (c) said sum to be added to the
propriated to Line Item #30 Library.

Bernard Lynch explained that this article and the other
article to be voted upon is the same as all the other
es, this article would maintain the present level of
es. Sarah Warner, Chairman of the Library explained the
es position. Mary Mahoney, Director of the Library told
Representatives about the current staff and what would be
nted if this override fails. Elizabeth McCarthy, Library
e wanted to combine this article and the other Library
l together. The total monies requested amount would be
ame, however it would be dispersed differently then
rly shown. The Trustees would put more money under the
s line item in order to purchase additional books, and
salary amount would be reduced by the same amount. It would
be appearing under one article. Susan Koeckhoven,
dnt of the Friends of the Library asked for support of
override. A discussion took place. The Finance Committee
th Board of Selectmen supported the proposed amendment.
Moderator read the proposed amendment:

Town Manager Bernard Lynch, moved that the sum of
5.00 be raised and appropriated contingent on the passage
referendum question under paragraph (g) of M.G.L. Chapter

tion 21 (c) said sum to be added to the sum appropriated
e items in the Library under Article 8 of the 1991 Annual
eeting as follows: Line Item 29 Library Salaries
5.00. Line item 30 Library Expense $30,489.00. The
tor asked for a show of hands on the motion to amend the
e. Motion carried, unanimously. He then asked for a
ote on the article as amended, motion carried.

NDER ARTICLE 8E As a result of the previous article
amended and voted to include this article, the Moderator
For a show of hands to withdraw this article. Motion
d, unanimously.

NDER ARTICLE 8D Selectman Dennis J. Ready moved that the
$197,500.00 be raised and appropriated contingent on the
e of a referendum question under paragraph (g) of M.G.L.
59 Section 21 (c) said sum to be added to the sum
riated to Line Item #13, Public Work Expense under
e 8 of the 1991 Annual Town Meeting.

Manager Bernard Lynch explained the article. Barry Balan
oned the recycling program and the salary being paid. A
discussion took place, where a number of
entatives spoke for and against the article. The Board
lectmen were against the article. Barry Balan discussed
two override questions one for the trash contract and
the recycling program. More lengthy discussion took
. Scott McCaig made a motion to adjourn to Wednesday May
., to 7:30 PM to the McCarthy Gymnasium. The Moderator
ned that all previous action voted at this meeting would
act. The only discussion that could take place and
d or changed would be this particular article and any
es after. The Finance Committee and Board of Selectmen
n favor of the motion. The Moderator asked for a show of
, motion carried. The meeting adjourned at 11:20 PM.

rs E. McHugh,
ator

Mary E. St.Hilaire,
Town Clerk

ADJOURNED ANNUAL TOWN MEETING
May 1, 1991

The Adjourned Annual Town Meeting was called to order at PM at the McCarthy Middle School Gymnasium, by the rator, Dennis E. McHugh. The Moderator recognized the ence of a quorum, there were 141 Representative Town ing Members present.

James Harrington, Town Counsel made a point of order. ted the Town Meeting Representatives and the general in attendance, to realize that it is his opinion that a of any kind can only be made by a Town Meeting entative. The Town Manager is only allowed to make s concerning his budget. If any non Town Meeting entative attempts to make a motion, they will be ruled order by the Moderator.

The Moderator reminded the Town Meeting body that the sion was to continue at article 8D the Public Work figure e alternate budget.

UNDER ARTICLE 8D Town Manager Bernard Lynch moved to he article to be $203,500.00. This figure is to include 6,000.00 cost for a drop off bin for the multi family holds for this year. The multi family households are ly not included in the door to door pick up of the bi- recycling program. The drop off point would be y at the Highway Garage. The Board of Selectmen were in of the motion to amend. The Finance Committee was the motion to amend. Edward Hilliard moved to amend icle to read $766,000.00. The Finance Committee was this motion to amend. A majority of the Board of hen were against the motion to amend. A discussion took . The Moderator asked for a show of hands on the motion id, motion defeated. Robert Joyce moved to amend the to have a figure of $1,618,034.00. This would be the needed for a weekly solid waste pick up. He had another to make a separate override question for the recycling . A discussion took place, a number of Representatives r and against the amendment. Fran McDougall moved the n to stop debate. The Moderator asked for a show of motion carried, unanimously. The Moderator asked for a hands on the motion to amend, defeated. Sue Olsen felt e $6,000.00 should be eliminated and wanted the figure the original amount. She felt that the system and site multi family drop off point hadn't been well presented neighborhood involved. Bernard Lynch assured her that n had been greatly improved. Arrangements will be made e vendor to drop off a bin on a Friday afternoon and picked up Monday morning. This will give the public on Saturdays to drop off their recyclable materials. scussion took place. Ronald Wetmore moved the question

o debate. The Moderator asked for a show of hands, carried, unanimously. The Moderator asked for a show of on the motion to amend the article by increasing it .00 for a total figure of $203,000.00. The Chair was n doubt, the following tellers came forward and conducted count:

Frawley, Patricia Plank, Lucy Simonian, Jean Horgan. Yes 83 No 48 motion carried to amend. Ronald Wetmore he question to stop any further debate. Motion carried, ously. The Moderator then asked for a show of hands on in motion as amended, motion carried. The article reads lows:

Selectman Dennis J. Ready moved that the $203,000.00 be raised and appropriated contingent on the e of a referendum question under paragraph (g) of M.G.L. 59 Section 21 (c) said sum to be added to the sum riated to Line Item #13, Public Work Expense under e 8 of the 1991 Annual Town Meeting.

arry Bell wanted to know what the date would be of the Election? Selectman Dennis Ready said Tuesday June he Board of Selectmen at their next scheduled meeting of n will vote to put the questions on the ballot. Samuel n began discussing the balanced budget and alternate s alternatives and wanted to know if the Town Meeting upported these budgets and what to what degree. The or ruled him out of order because Mr Poulten wasn't any questions, he just kept making statements, and began article 9. Bill Dalton asked for a point of order. He hat the Board of Selectmen said they intended to put all alternate budget articles on the ballot as override ons, why was it necessary to have vote on this process. Ready explained that the Board of Selectmen had indeed ted the board to allowing the alternate budgets to appear ballot. However, since then the Board has changed and are two new members who were not involved with the prior ent. The Board of Selectmen must decide what will on the ballot and in what format. Barbara Ward stated least three of the current Board of Selectmen had ted their vote in writing to the School Committee about a question on the ballot concerning the School ent's alternate budget figure. Samuel Poulten wanted the Town Meeting Body could vote to have the Board of en place the alternative budgets on the ballot as le questions. The Moderator advised him to put his l in writing so Town Counsel could review it, before any discussion was to take place. While this motion was rawn up and reviewed, the Moderator made the following ement. It had been suggested by Robert Joyce to make pe of acknowledgment concerning the Desert Storm/Desert troops serving in the Gulf. The Moderator publicly Mike Kinney and Sandy Kilburn for all their efforts support of the Town's citizens who were the other s. He read a list of names and thanked the known eight service personnel involved with the war:

Bell	Jason Dunn		Richard Hallion
ennings	James Paisley		Douglas Degeis
Metheny	Christian	White	Steven Whitney

hitney	Ernest Sparages	Andrew LoPilato
Russo	Thomas Keaney	Daniel Manley Jr
Clark III	Jeffrey Cappiello	Rodney Gower
Puccierelli	Kenneth Demers	Gregg Hilliard
cDonald	Paul Dulchinos	David Spang
McCarthy	Patrick Fergerson	Marc Pare
McLain	Philip Smith	Michael Silva
ea	Michael Robey	Michael Rothwell
Swanson	Bruce A. Costa	Joseph MacShane
Walters		James H.Golden Jr

n Meeting body acknowledge the announcement with a g ovation.

e Moderator then read the following motion: Samuel moved that the Town Meeting request that the Chelmsford f Selectmen vote to place all alternative budgets as y Town Meeting on a ballot as soon as possible.

asked the Finance Committee for their recommendation. ance Committee said they didn't have an recommendation or the other on this particular motion, however they do the override questions. Selectman Dennis Ready said e Board was in favor of the motion. The Moderator asked ote on the motion by a show of hands, motion carried.

UNDER ARTICLE 9 Dennis Ready moved that the article be as follows: Under School Department Projects, item Row Exterior Doors" should have a cost of $28,400.00 and ,400.00. The new Article total is $665,524.00 not 4.00 The amount to be borrowed is now $620,524.00 and 0,524.00. Selectman Ready explained that this is an article, and if there were any questions, the Chairman Committee, James Doukszewicz would answer them. Robert questioned the actual need for some of the items, and ey real emergency items. Mr Doukszewicz explained that items are thoughly discussed and voted on at their hearing, and any item that appears on the warrant is felt to have a definite need. A lengthy discussion ace concerning the purchase of cruisers. James Greska ed that the original request was for four cruisers, the ent was granted three. The cruisers build up mileage ickly and are moved along throughout the shifts, until n no longer be used. James Doukszewicz explained that isers are paid for from the stabilization fund, no bond n out on them. David McLachlan questioned where the new ks were going to be. The sidewalks Planning Engineering em is not necessary for new sidewalks, it is also for ng of the present sidewalk areas which are determined to eed. The Moderator asked for the different committees ndation. The Finance and the Selectmen were in favor of ion to amend. He then asked for a vote by way of a show s, motion carried. Robert Joyce then moved to amend the by including only the Police Cruisers line item. that there wasn't a just emergency stated for the other . The Finance Committee and the Board of Selectmen were favor of the motion to amend. Jeffrey Stallard apologized outburst the previous night, and spoke against the to amend. Philip Currier moved the question to stop The Moderator asked for a show of hand, motion carried. He then

for a vote on the motion to amend, motion defeated, by
f hands. Scott McCaig moved the question to stop any
debate on the article as amended. The Moderator asked
show of hands, motion carried, unanimously. He then
for a vote on the article as amended, by way of a show of
motion carried, unanimously. The article reads as
s:

Selectman Dennis J. Ready moved that the Town vote to
riate the sum of $665,524 for the following capital
s:

FY92 CAPITAL BUDGET

partment	Rescue Equipment/ Breathing Apparatus	$$28,000
	Engine #2 Generator	$ 20,000
f Public	Road Resurfacing	$250,000
	Drainage Projects	$100,000
	One Ton Truck	$ 30,000
y Department	Backhoe	$ 45,000
Department	3 Cruisers	$ 45,000
Department	Truck w/Plow	$ 17,874
	Roof Work at H.S. Cafeteria	$ 31,643
	Roof Work at Parker H/SMcCarthy Lavatory Partition Work	$ 10,000
	Emergency Hardware for Doors	$ 12,000
	So. Row Exterior Doors	$ 28,400
	School Paint Work	$ 10,000
and Safety	Sidewalk Planning/ Engineering	$ 75,000
	TOTAL	$665,524

ed that the Town vote to transfer and appropriate the
f $45,000 from stabilization fund, and borrow the sum of
54 to fund these obligations.

UDER ARTICLE 10 Dwight M. Hayward, Chairman of the
Committee moved that the Town vote to raise and
priate the sum of $200,000.00 to be used as a Reserve Fund
discretion of the Finance Committee, as provided in
a Laws, Chapter 40, Section 6.

Chairman of the Finance Committee, Dwight Hayward
ied the article and asked for support. The Moderator
or a hand vote, motion carried, unanimously.

UDER ARTICLE 11 Selectman Dennis J. Ready, moved that the
te to raise and appropriate the sum of $20,000.00 from
pose of funding the sand lease approved by the town
rticle 12 of the 1989 Annual Town Meeting.

Selectmen Ready explained that this is the fee required to

n the yearly lease for the sand that is removed from
ea. The Moderator asked for a hand vote, motion carried,
usly.

DER ARTICLE 12 Susan Gates, of the Mobile Home Rent
Board, moved that the town vote to amend the General
by deleting Article XII Mobile Home Park Rent Control
in its entirety.

irman of the Rent Control Board, Susan Gates explained
e owner and the tenants had entered a long term thirty
ase and that there was no need for the Board to exist
ger, the only jurisdiction the board has is to hear
n notices and that costs the town money, this can be
rough the court system, she asked for support of the
. Viola Stone a resident of the park, spoke against the
to delete this by-law. She felt that if a problem with
er occurred the tenants still needed to have something
back on. James Harrington, Town Counsel explained that
legislation was voted years ago for the Town of
ord, which enable the town to have a mobile home rent
by-law. The Legislation will still be in tact, because
court decision and lease agreement. If there becomes a
, then the by-law can be reinstated. He felt that if it
essary to keep the by-law then he would advise the Town
o. At this point he feels that the Town has no need to
is by-law on the books. The Moderator asked for a vote
of a show of hands, motion carried.

DER ARTICLE 13 Town Counsel James Harrington explained
had requested the Planning Board to put this article on
rant because the current zoning by-law doesn't allow
al signs. This has been deemed by the courts system as
nconstitutional. A by-law can't restrict the existence
tical signs, however, it can restrict within reason the
At the required public hearing changes were recommended
re are being put for as an amendment to the article.
erator read the amendment: Thomas E. Firth Jr. moved to
he motion under Article 13 as follows:

er Section 3326 and 3337 by deleting the words "One
porary, political sign, not exceeding four (4) square
t in area" inserting and in their place the following
ds "Temporary, freestanding political signs, not
eeding in aggregate twenty-four (24) square feet in
a.

er Sections 3326 and 3337 by deleting the words "within
front yard area of the property" and inserting in their
ce the following words "within the front or side yard
a of the property.

ssion took place. Barbara Ward was concern about the
tion of front yard. Some businesses do not have a front
d felt that the wording was restricting placement of any
n a business area that didn't have a front yard. A
of other Representatives spoke for and against the
. Kim McKenzie, Chairman of the Planning Board read the
recommendation.

he Planning Board, held a Public Hearing on March 13, nd voted at the Planning Board meeting of April 10, recommend approval of Article 13 as amended, (7-0) for il 1991 Town Meeting".

ance Committee recommended the article. More discussion ace. The Moderator asked for a show of hands on the to amend the article, motion carried. Samuel Poulten he question to stop debate. The Moderator asked for a hands on the motion to stop debate, motion carried, usly. He then attempted a vote by way of a show of which left the Chair in doubt. The tellers came forward ducted a hand count: Yes 105 No 8 23's 76 motion . The article reads as follows:

E. Firth Jr. of the Planning Board, moved that the Town amend Zoning By-Law Article III, General Regulations, 3300 Signs and Outdoor Lighting as follows:

er Section 3320 Signs Permitted in Residential Districts adding the following subsection:

26 Temporary, freestanding political signs, not ng in aggregate twenty-four (24) square feet in area, s designed to influence the action of voters for the or defeat of a referendum question or other measure ng on the ballot of an election duly called in the Town msford or designed to influence the action of voters for n of a candidate whose name appears on the ballot of an n duly called in the Town of Chelmsford. Such signs may ted no sooner then twenty-one (21) days prior to the election and must be removed not later than fourteen ys after such election. Signs permitted by this by-law: ll not be higher than three feet above ground level; (b) ot be artificially illuminated; (c) shall be nding and not attached to a building, tree, utility r fence; (d) shall be set back at least 15 feet from the line; and (e) shall only be located within the front or rd area of the property. These signs require no sign

er Section 3330 Signs Permitted in Business Districts by the following subsection:

emporary, freestanding political signs, not exceeding in te twenty-four (24) square feet in area, which is d to influence the action of voters for the passage or of a referendum question or other measure appearing on lot of an election duly called in the Town of Chelmsford gned to influence the action of voters for election of a te whose name appears on the ballot of an election duly in the Town of Chelmsford. Such signs may be erected no then twenty-one (21) days prior to the date of election t be removed not later than fourteen (14) days after ection. Signs permitted by this by-law: (a) shall not er than three feet above ground level; (b) shall not be ially illuminated; (c) shall be freestanding and not d to a building, tree, utility pole, or fence; (d) shall back at least 15 feet from the street line; and (e) nly be located within the front or side yard of the

ty. These signs require no sign permit.

NDER ARTICLE 14 Thomas E. Firth Jr., Planning Board
moved that the Town vote to amend the Chelmsford
By-law Article I Administration and Procedure, Section
dministration b) adding the following subsection:

on-Criminal Disposition

dition to the procedure for enforcement as described
the provisions of this by-law may also be enforced by
iminal disposition as provided in Massachusetts General
, Chapter 40, Section 21D. The penalty for such violation
l be $25.00 for the first offense, $50.00 for the second
e, $100.00 for the third offense, and $200.00 for the
and each subsequent offense.

own Counsel James Harrington explained that this by-law
allow the Building Inspector to issue tickets for small
violations. A discussion followed.

hairman of the Planning Board, Kim McKenzie, read the
s recommendation: The Planning Board held a public
g on March 13, 1991 and voted to recommend Article #14,
ertised, for the April 1991 Town Warrant at the Planning
meeting of March 13, 1991 (7-0)
oth the Finance Committee and the Board of Selectmen were
or of this article. The Moderator asked for a vote by
a show of hands, motion carried, unanimously.

NDER ARTICLE 15 Selectman Dennis J. Ready moved that the
ote pursuant to General Law Chapter 82, Section 21, that
convenience and necessity require that a portion of
s Road also known as the Douglas Road Extension, as
after described shall be discontinue and all public
and all portions of said Streets, and/or Town Ways
ve to said street shall be henceforth discontinued and
ned: said street is more particularly described as
s:

hat portion of Douglas Road, as shown of a plan entitled
sed Discontinuance Douglas Road Extension ATM 1991 dated
6, 1991," on file with the Town Clerk.

oved that the Town vote authorize the Board of Selectmen
nsideration to be determined, to convey and transfer, all
title and interest, if any, held by the town in the
arcel of land located on the discontinued portion of
ay/road, to the owners of the property set forth in a
nt to the Town of Chelmsford Planning Board, recorded
Middlesex North District Registry of Deeds in Book 2881,
39 and covering said way.
ounsel James Harrington explained the article. The
e Committee and the Board of Selectmen were in favor of
ticle. The Moderator asked for a show of hands vote.
carried.

NDER ARTICLE 16 Robert Joyce member of the Sewer
sion, moved that the Town vote to authorize the board of

man and/or the Sewer Commissioners to acquire any and all
ary and/or permanent easements, and any property in fee
with the buildings and trees thereon by purchase,
t domain, or otherwise, for the property located in
wn of Chelmsford, Massachusetts, and further described
own on a set of plans entitled "Plan of Sewer Easements
lmsford, Massachusetts, Phase IIB Sewers, prepared for
elmsford Sewer Commission March 18, 1991, by Richard F.
ki & Associate, Inc." copy of which is on file in the
of the Town Engineer and is incorporated herein by
nce, for the purpose of constructing and maintaining
, pumping stations, and all other appurtenance thereto.

obert Joyce Vice Chairman of the Sewer Commission, read
ard's recommendation:

he easement article is required to allow for the
cation of two easements.
he first easement is in the Bisson Street/Frank Street
. The original easement was positioned to allow the sewer
nect Frank Street to Bisson Street through the property
Bisson Street, due to the close proximity of the
ed construction to the home at #10 Bisson Street, and the
ial for damage to the structure during construction, the
sion voted to select an alternative location for the
nt through a wooded area west of the nearby homes.
ford Conservation Commission approval was needed for the
cation. The second easement is in the Margerite Drive
. The modification to the easement was required by the
ford Conservation Commission in order to mitigate the
nd wetland destruction between Margerite Drive and
oro Road. Both easements were approved by the
vation Commission Order of Conditions dated February 28,

he Finance Committee and the Board of Selectmen recommend
ticle. The Moderator asked for a vote by way of a show
ds, motion carried, unanimously.

NDER ARTICLE 17 Selectman Dennis J. Ready, moved that the
ote to accept the following mentioned streets as laid out
Board of Selectmen and shown by their reports duly filed
office of the Town Clerk.

Nashoba Drive
Sarah Lane
Virginia Lane

ing all the construction of the same meets with the
ements of the Board of Selectmen, and subject to the
lding any remaining bonds until such requirements have
et and to see if the town will vote to authorize the
of Selectman to acquire any and all temporary
permanent easements, and any property in fee simple,
rees thereon, by purchase, eminent domain or otherwise,
e purpose of securing traffic safety and road
ements, and vote that the town raise and appropriate the
$3.00 to defray all necessary costs, fees and expenses
nection with the acquisition of said land and for paying
ages which may be awarded as a result of any such

n; and to see if the town will vote to authorize the board
electmen to negotiate and execute all necessary and proper
cts and agreements thereto.

electman Dennis Ready explained the location and showed a
raph of each of the streets mentioned. The Board of
men and the Finance Committee recommend the article. The
tor asked for a vote by way of a show of hands, motion
d.

NDER ARTICLE 18 Philip Currier moved at the request of
titioners, that the proposed amendment to the existing
map as set forth in this article be withdrawn.
lsford Mall property off Chelmsford Street) Landowners
repare a more detailed plan for consideration by the
ng Board and for presentation to Town Meeting
entatives. (Possibly at the October session of Annual
wn Meeting)

he Moderator asked for a vote by way of a show of hands
motion to withdraw, motion carried unanimously.

UDER ARTICLE 19 Ronald Wetmore, alternate member of the
a Valley Technical High School District, moved that the
ote to accept provisions of Section 12 of Chapter 188 of
ts of 1985, SCHOOL IMPROVEMENT ACT, in relation to the
Educational Opportunity Grant in the Amount of seventeen
nd Two Hundred Seven Dollars ($17,207.00) for the Nashoba
Technical High School, conditioned upon the funding of
rograms by any source other than the Town of Chelmsford,
rther conditioned upon, to the extent permitted by law,
aid professional grant programs, and any monies paid to
ployee of the Nashoba Valley Technical High School, shall
used or considered a past practice for the purpose of
tive bargaining and shall be nonrecurring lump sum
t not built into school employees salary schedules.

he Finance Committee recommend the article, this is an
article that the Town benefits from. The Board of
men approve of the article. The Moderator asked for a
y way of a show of hands, motion carried, unanimously.

NDER ARTICLE 20 Fire Chief Robert L. Hughes moved that
wn vote to accept the provisions of Chapter 291 of the
f 1990; an Act concerning enhanced 911 service.

lice Chief Raymond McKeon, briefly explained that passage
s article was required in order to allow the whole Town
covered by the 911 service, at no cost to the Town.
tly only the phone numbers with a 256, or 250, and 251
ing number are covered directly.

he Finance Committee and the Board of Selectmen
ended the article. The Moderator asked for a vote by way
how of hands, motion carried, unanimously.

ndrew Silinish moved to adjourn the meeting until Monday
h., at 7:30 PM. The Finance Committee was in favor of
tion to adjourn. The Board of selectmen were not. The

wanted to adjourn to Tuesday evening, due to the fact here was a scheduled public hearing at 6:30 PM and also the fact that the Board had to decide about the override ons. It was felt that this could be a lengthy meeting at the Selectmen would have to adjourn the meeting and be McCarthy for the 7:30 PM session of the adjourned Annual eeting, the Board possibility may not be able to finish scheduled business at hand. More discussion took place. a Ward of the School Committee, said that her Board had a ct with the Tuesday evening date. The School Committee heduled their meeting for that night. Selectman Ready to amend the adjournment to be at 8:00 PM on Monday May the McCarthy Middle School Gymnasium. The Moderator for a show of hands on the motion to adjourn, motion d.

The meeting adjourned at 11:10 PM.

is E. McHugh,
rator

Mary E. St.Hilaire,
Town Clerk

ADJOURNED ANNUAL TOWN MEETING
May 6, 1991

The Adjourned Annual Town Meeting was called to order at
) PM at the McCarthy Middle School Gymnasium, by the
rator, Dennis E. McHugh. The Moderator recognized the
ence of a quorum, there were 139 Representative Town
ing Members present.

NDER ARTICLE 21 Selectman Dennis J. Ready, moved that the
ote to amend the General By-Laws by deleting Article VII,
laneous, Section 9, Sodium Vapor Lamps in its entirety.

own Manager Bernard Lynch explained that if the Town
d the street lights throughout the Town there would be a
savings of $15,000.00. If the lighting in the Historic
hich is located in the center of the Town, would be
d to the sodium vapor lights, this area would reflect a
).00 savings. The lighting area around the Town is being
d over, however the Historic By-law will not allow the
the sodium vapor lamps in the district. The lightening
t of the mercury vapor which is expensive to maintain.
s an area that the Town could save some money in and he
for support of the article. Robert LaPorte, Chairman of
storic District, said that the district was against this
to delete. In 1976 the Town of Chelmsford voted to have
oric District, and by-laws. In 1983, the Town voted to
the sodium vapor by-law. The Town should maintain what
storic District has asked private homeowners/business
the district to use, mercury vapor lighting. There are
51 lights in question, and according to the Historic
sion's information the savings would only be
imately $200.00. A lengthy discussion took place, a
of Representatives spoke in favor of the Historic
sion's feelings of maintaining the mercury lighting.
elt that the Board was appointed to maintain the area and
he Town Meeting members should take the advice of the
sion. Just because money can be saved may not necessarily
right choice. Bernard Lynch mentioned historic areas
hout Massachusetts that had the sodium vapor lighting.
Foner moved the question to stop debate. The Moderator
for a show of hands vote, which left the Chair in doubt.
llowing tellers were called forward and an hand count was
ted:
y Frawley, Patricia Plank, Lucy Simonian, Jean Horgan.

of the hand count: Yes 109 No 8 2/3's is 78 motion
d. The Moderator asked for a vote by way of show of
on the article. Again the Chair was is doubt, a hand
was taken: Yes 84 No 51, motion carried.

NDER ARTICLE 22 Selectman Dennis Ready moved to dismiss
rticle. Barbara Scavezze of the Solid Waste Commission
ned that this may be brought back at the October meeting
re was a proven need. The Board of Selectmen and the

ce Committee support the motion to withdraw. The ator asked for a vote by way of a show of hands, motion ed.

UNDER ARTICLE 23 Jeffrey Brem, member of the Sewer ssion asked for this article to be withdrawn. Robert of the Sewer Commission spoke against the withdrawal. inance Committee and the Board of Selectmen were in favor e motion to withdraw. The Moderator asked for a vote by f a show of hands, motion carried.

UNDER ARTICLE 24 Selectman Dennis Ready moved to amend y-law as shown by deleting subsection 2 in its entirety ubsection 3 shall be #2. It was explained that the need his by-law was due to the Westland's School being closed ay during the winter months because the sidewalks had been d in time for the school opening. It was felt that this have be avoided if this by-law was passed. There are two sidewalk plows, the School Department has the Town the areas where the students walk first. Any outlining alks are done after the requested areas. When asked who enforce this by-law the reply was the Police Department. cussion took place. Representatives were concern that the ng would allow the homeowner, who hired a contractor to their driveway, would be fined because the contractor left in the plowed street. Also if the sidewalk is shoveled hen if someone slips and gets hurt, who is liable, the or the homeowner. Town Counsel James Harrington said the wner could be held responsible. The Finance Committee rts the motion to amend and the article. The Moderator for a vote by way of a show of hands on the motion to , motion carried. Bruce Harper moved to amend the article ding the words to the second line or Fire Hydrant or other ar device in the Town so as to impede obstruct, or wise adversely affect the unrestricted flow of traffic or al any Fire Hydrant or other similar device, or the safe l of any pedestrian on such roadway or sidewalk. The ator asked for a vote by way of a show of hands on the n to amend, motion carried. Joseph Erbacher attempted to the article, but the Town Counsel advised against the ng. Concern was discussed about the first paragraph, last nce, it sounded like an employee of the Town would be ed to put snow in the streets/sidewalks. Selectman Dennis moved to delete this sentence from the By-law. The ator asked for a show of hands on the motion to delete, n carried. The Moderator read the entire motion as ed:

Selectman Dennis J. Ready moved that the town vote to Article V Streets and Sidewalks of the General By-laws by Section 21 "Snow and Ice" as follows:

No person shall pile, push, throw, shovel, or by any other method or means cause snow to be deposited or placed on any public roadway or sidewalk or fire hydrant or other similar device in the town so as to impede, obstruct, or interrupt or otherwise adversely affect the unrestricted flow of traffic or conceal any fire hydrant or other similar device, of the safe travel of any pedestrian on such roadway or sidewalk.

Violations of this section of the By-law shall be punishable by a fine of not more that $25.00 for each violation. Each instance or new day shall constitute a separate violation.

Brad Emerson moved the question to stop any further te. The Moderator asked for vote by way of a show of hands n carried, unanimously. He then asked for a vote on the le as amended by a show of hands, motion carried.

UNDER ARTICLE 25 David J. McLachlan, member of the rvation Commission, moved that the town vote to amend the al By-laws Article VI Police Regulations, Section 22: bition of Trapping By means of the Leghold and Conibear by adding a new paragraph as follows:

5) Notwithstanding the provisions of this by-law, the Conservation commission or their authorized agents may use such traps and may destroy any fur-bearing mammals subject to regulation herein, if the conservation Commission determines that such animals pose a substantial present of potential hazard to public health, welfare, safety, or to the environment.

James McBride explained the article. There is a beaver at Cranberry Bog who is making a dam and causing problems with water supply. The Friends of Animals from Rhode Island trap the beaver, and remove it from the area. A lengthy ussion took place. The Finance Committee was in favor of article, but questioned the legality of it. Town Counsel ed the body that the wording was legal. Andrew Silinish to amend the article by adding a sentence to the last graph "and after other trapping means have failed and been nented in each occurrence". The Finance Committee and the of Selectmen had no recommendation on the motion to d. The Moderator asked for a show of hands vote on the n to amend, motion defeated. The discussion continued. y. Warshafsky questioned, if this was a potential health rd, why had not the Board of Health been called in to le the situation already. Director Richard Day said that Board of Health was unaware of the situation. David lan moved to amend the article. "I move that all ctive trapping regulations be rescinded". Town Counsel ed this motion out of order. Edward Hilliard moved the on to stop debate. The Moderator asked for a vote by way aid count, motion carried, unanimously. He then asked for rd vote on the article, motion carried.

UNDER ARTICLE 26 David J. McLachlan, member of the servation Commission, moved that the town vote to amend the eral By-laws Article XI General Wetland By-law as follows:

Under Section 15 Fee Schedule by deleting paragraphs 1 and 2 under Fees: which reads:

) Wetland By-Law Hearing
Dwelling, tennis court, swimming pool, bridge, etc.- $25.00

2) Multiple Dwelling Units
Commercial & Industrial - $100.00

by substituting in their place the following:

The Commission may adopt and impose project review charges
cordance with regulations promulgated pursuant to its
city under Massachusetts General Laws.

2) Under Section 16: Definitions by adding the following paragraphs:

g) The terms "land Under Water Bodies or Waterways", "Vernal Pool Habitat", shall be defined as defined in 310 CMR 10.04

h) The term "Lower Floodplain" shall mean the area of land within the statistical 10 year flood or within 100 feet of the bank or boundary vegetated wetland, whichever is further from the waterbody or waterway.

i) The term "wildlife" shall mean all mammals, birds, reptiles, amphibians and all vertebrate and invertebrate animal species, except domesticated species.

j) The term "Wildlife habitant" shall mean those areas subject to these "by-laws" which due to the plant community composition and structure, hydrologic regime, or other characteristics provide important food, shelter, migratory travel or overwintering areas or breeding areas for wildlife.

k) The term "rare species" shall mean those vertebrate and invertebrate animal species officially listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife under 321 CMR 8.00 and those plant species listed as rare, threatened, or endangered by the Massachusetts natural Heritage Program.

3) After Section 19 Invalidity by adding a new section as follows:

Section 20 Wildlife Habitat Evaluation

1) Measuring Adverse Effects on Wildlife Habitat

a. To the extent that a proposed project will alter vernal pool habitat or will alter other wildlife habitat such alterations may be permitted only if they will have no adverse effects on wildlife or vernal habitat. Adverse effects on wildlife or vernal habitat shall mean the alteration of any habitat characteristic such as food, shelter, migratory breeding and overwintering areas, insofar as such alteration will, follow 2 growing seasons of project completion and thereafter (or, if a project would eliminate trees, upon the maturity of replanted saplings) substantially

reduce its capacity to provide important wildlife and vernal habitat functions. Such performance standards, however, shall not apply to the habitat or rare species. All projects that may impact on rare species must apply through the Massachusetts Natural Heritage and Endangered Species Program at least 90 days prior to the filing of a Notice of Intent.

b. An evaluation by the applicant of whether a proposed project will have an adverse effect on wildlife habitat beyond permissible thresholds shall be performed by an individual with at least a masters degree in wildlife biology or ecological science from an accredited college or university, or other competent professional with at least 2 years experience in wildlife habitat evaluation.

c. Any wildlife habitat management practices conducted by the Division of Fisheries and Wildlife, and any wildlife management practices of any individual or organization if reviewed and approved in writing by said Division, shall be presumed to have no adverse effect on wildlife habitat. Such presumption is rebuttal, and may be overcome by a clear showing to the contrary.

2. Wildlife Habitat Characteristics of Inland Resource Areas:

a. Banks. The topography, soil structure, and plant community composition and structure of banks can provide the following important wildlife habitat functions; food, shelter, migratory wildlife, breeding and overwintering areas of wildlife.

b. Land Under Water Bodies or Waterways. The Plant community and soil composition and structure, hydrologic regime, topography and water quality of land under water bodies or waterways can provide the following important wildlife habitat functions: food, shelter, breeding areas and overwintering areas for wildlife.

c. Vernal Pool Habitat. The topography, soil structure, plant community composition and structure, and hydrologic regime of vernal pool habitat can provided the following important wildlife habitat functions: food, shelter, migratory, breeding, and overwintering areas for wildlife.

d. Lower Flood Plans. The hydrologic regime, plant community, and soil composition and structure, topography, and proximity to water bodies and waterways of lower floodplains can provide the following important wildlife habitat functions: food, shelter, migratory, overwintering and breeding areas for wildlife.

es McBride Chairman of the Conservation Committee explained article. The Board of Selectmen and Finance Committee ported the article. The Moderator asked for the need of cussion, hearing none he asked for a vote by show of hands, ion carried, unanimously.

UNDER ARTICLE 27 Selectman Dennis Ready moved that the erator be allowed to waive the reading of this article. The erator asked for a vote by a show of hands, motion carried, nimously. The article was the adoption of state statues fire rules and regulations. The Board of Selectmen and ance Committee were in favor of the article. The Moderator ed for a vote on the article by way of a show of hands, ion carried." The article reads as follows:

e Chief Robert L. Hughes, moved that the Town vote to amend General By-laws as follows:

1. By deleting Article V Streets & SidewalksSection 18 Street Numbers in its entirety.

2. By adding Article XIII - Fire By-Laws as follows:

Article XIII - Fire By-Laws

Section 1 Purpose

The following bylaws are intended to provide the fire department with authority to monitor and enforce fire safety and prevention measures within the Town of Chelmsford.

Section 2 Definitions

1. Alarm - Any notification made to the fire department that a situation exists or may exist that requires a response.

2. Fire Alarm System - A combination of compatible initiating devices, control panels, and indicating appliances designed and installed to provide an alarm signal in the event of a fire.

3. Unintentional Fire Alarm - An alarm caused by any of the following:

a) inadequate or improper maintenance of a private fire alarm system; or

b) working on or tampering with a fire alarm system without giving proper notification to the fire department; or

c) failure to control dust, steam, smoke or other materials causing an alarm

4. Master Box - A municipal fire alarm box that may also be operated by remote means

5. Multiple Dwelling - Any dwelling that contains three or more living quarters including but not limited to hotels, motels, dormitories, apartments, condominiums, lodging and boarding houses, and care facilities.

6. Street Box - A municipal fire alarm box that is operated manually

7. Set Back - The distance from a public or private way to the front of a given building. A parking lot shall not be considered a public or private way for purposes of this section.

8. Service Station - Any building or premises wherein or upon which gasoline or other motor fuel is sold at retail.

a) Full self-service facility. A service station where all the pumps are self-service.

b) Self-service type business. As used in these by-laws, shall mean that type of business wherein the licensed motor vehicle operator dispenses his own motor fuel.

c) Split-island facility. A motor fuel dispensing installation where part of the facility is used as self-service and part is used for attendant service.

9. Garage - Any building wherein is kept or stored one or more motor vehicles; including but not limited to a public or private garage, car port, motor vehicle repair shop or paint shop, service station, lubritorium, or any building used for similar purposes.

a) Residential garage. A private building, or part thereof, having a capacity of not more than three (3) motor vehicles when not used for commercial repair or servicing operations.

b) Special garage. A special structure limited in use to the parking of motor vehicles.

Section 3 Street Numbers

1. The Board of Selectmen or its designee may determine and designate numbers for all buildings abutting upon or adjacent to public and private ways.

2. No person shall neglect or refuse to affix on any building owned by him the street number designated for him by said Board or its designee, nor shall any person affix or suffer to remain on any building owned or occupied by him a street number other than the one designated by said Board or its designee.

3. All numbers shall comply with the following schedule:

Back (defined in Section 2)	Minimum Number Size
50	3"
100'	4"
er than 100'	6"

4. Street numbers shall be affixed in locations approved by the fire chief or his designee and where possible the following locations shall be mandatory:

a) If a set back is less than 200 feet, the number shall be placed near the front or main door of the building provided that the door is visible from a public or private way.

b) If a setback is greater than 200 feet, or if the main or front door is not visible from the public or private way, the street numbers must be affixed to a sign posted near the driveway or entrance to the property in such a manner so that the sign is visible year round.

5. If several occupancies share a single address, each doorway shall be numbered with a street number and unit

number. The unit number shall include all units served by the marked doorway. The street numbers shall comply with the schedule outlined in paragraph 3 and in all cases the unit numbers shall be 2" or higher.

6. Street numbers shall be a color that contrasts with the background upon which they are mounted. If a signboard is used for a background it shall be a minimum of one square foot per digit.

Section 4 Owner/Manager Information

1. An owner of a multiple dwelling who does not reside therein and who does not employ a manager or agent for such dwelling who resides therein, shall post and maintain or cause to be posted or maintained on such dwelling, adjacent to the mailboxes for such dwelling or on the exterior of such dwelling in a location visible to the public, a notice, not less than twenty square inches in size, bearing his name, address, and telephone number or the name, address, and telephone number of such manager or agent.

2. The owner of said multiple dwelling shall submit annually before January 31st, the address of the dwelling, the name of the dwelling if any, the name of the trust, association, or organization if any, which manages or owns the dwelling, the names, addresses, and telephone numbers of all owners and managers. Such information shall be provided in a form approved by the Fire Department.

Section 5 Municipal Master Box/Street Box

1. Any owner of property applying for a tie-in to the municipal fire alarm system shall first obtain a permit, on a form provided by the Fire Department prior to the installation of a master box or street box as those terms are defined in Section 1. Each tie in permit shall cost $100.00.

2. Any violation of this section shall be punishable by a fine of $100.00 for each offense. Each day that any violation continues shall constitute a separate offense.

Section 6 Existing and New Sprinkler Systems/Tie In

1. All new and existing buildings with sprinkler systems shall be connected to the municipal fire alarm system via a master box connection. All buildings which fall into this category shall make connection no later than June 30, 1992.

2. Any violations of this section shall be punishable by a fine of $200.00 for each offense. Each day that any violation continues shall constitute a separate offense.

Section 7 Unintentional Fire Alarms

1. The owner of any building which has a fire alarm system shall only be allowed three unintentional fire alarms, as that term is defined in Section 2, per calendar year.

2. After the third unintentional fire alarm the owner shall be fined $50.00 and shall be fined $100.00 for each additional offense thereafter. Each day that any violation continues shall constitute a separate offense.

SECTION 8 - OPERATION OF SERVICE STATIONS, GARAGES USED FOR COMMERCIAL PURPOSES, SELF SERVICE STATIONS INCUDING CONVENIENCE STORES

Electrical Wiring and Heating

1. Artificial lighting of a garage shall be only by means of elctric lights. All electrical work and equipment shall be installed in accordance with Massachusetts Electrical Code 527 CMR 12.00.

2. In the case of a garage, other than a residential garage, heated by a central heating unit located on or below the garage floor, such unit shall be located in a room separated from the garage by a fire partition and all openings therein shall be protected by either fire doors or fire windows. A garage may be heated by gas, oil, electric unit heater(s) and/or central heating units located in the heated area without fire partitions, provided that such equipment is located not less than eight (8) feet above the garage floor, and in the case of gas or oil the combustion chamber of such heater shall be properly vented to the outer air. The hot air from a central heating unit shall enter the garage not less than four (4') feet above the floor level of the garage. The return air registers of any duct distribution system connected to unit heater, central heater or warm air furnaces shall be located not less than four (4') feet above the garage floor. No space heaters (as defined in 527 CMR 4.00) shall be permitted.

3. Heating equipment may be installed in non-residential motor vehicle repair or parking areas where there is no dispensing or transferring of Class I or II flammable liquids (as defined in NFPA 30, Flammable and Combustible Liquids Code), or liquefied petroleum gas, provided the bottom of the combustion chamber is not less than 18 in. (.5m) above the floor, the heating equipment is protected from physical damage by vehicles, and continuous mechanical ventilation is provided at the rate of .75 cfm/sq ft. ($.75 m^3$/min per m^2) of the floor area. The heating system and the ventilation system shall be suitably interlocked to ensure operation of the ventilation system when the heating system is in operation.

4. In the case of a residential garage, any heater or appliance unit may be located on the garage floor provided the source of ignition from combustion chambers, motors, etc., shall be located not less than six (6) inches above the floor level. In the case of a residential garage having a floor below surrounding grade, the combustion chamber or ignition source

f any heater or appliance unit shall be raised not less than ighteen (18) inches above the floor level. Any heater or ppliance unit installed in a residential garage shall be uitably protected from physical damage as directed by the uthority having jurisdiction. No space heaters (as defined n 527 CMR 4.00) shall be permitted.

pertion and Maintenance

. Suitable receptacles filled with sand or other nonflammable bsorbent material, to be used in absorbing waste oil, shall e constantly kept on the floors of every garage having a net loor area of more than one thousand (1,000) square feet; and t least one metal pail filled with sand, for use in case of ire, shall be provided for every one thousand (1,000) square eet of floor area.

. A pit for greasing, lubricating, washing or wheel alignment urposes may be permitted, provided such pit is of a sufficient rea and so constructed as to permit ready escape therefrom in ase of emergency.. No such pit shall, in any case be used for epair purposes on gasoline powered vehicles.

. All garages shall be kept clean and shall be provided with sufficient number of self-closing metal receptacles in which ll combustible waste material shall be kept until removed from he building.

. A fire extinguisher shall be provided for every garage of ne thousand (1,000) square feet of floor area and an additional ire extinguisher shall be provided for every additional two housand (2,000) square feet of floor area. Such extinguishers hall be of an approved* type for an oil fire, located as directed by the head of the fire department, and not less than B rating. The maximum travel distance to reach such an extinguisher shall not exceed fifty (50) feet.

The protection requirements may be fulfilled with extinguishers of higher ratings provided the maximum travel distance to such larger extinguisher shall not exceed seventy-five (75) feet.

NOTE: Any fire extinguisher listed with a nationally recognized testing laboratory will be considered approved.

5. No peson shall smoke in a garage, service station, or on the premises where gasoline or other motor fuels are sold or dispensed and notices to that effect, in block letters not less than two (2) inches in height shall be conspicuously posted at the entrance to and within the garage or on said premises, and on each pump island visible to approaching vehicles; provided, however, that smoking may be allowed in a separate room as approved by the head of the fire department.

6. No wood shall be used in the construction of a locker in a garage having a net floor area of more than two thousand (2,000) square feet.

7. No gasoline or other motor fuel shall be delivered to or taken from a motor vehicle while the engine thereof is running. This does not apply to tank trucks making deliveries by power.

8. No gasoline or Class A flammable fluid shall be used for cleaning purposes or kept in any open receptacle for any purpose.

9. All tanks used for the storage or sale of gasoline in connection with a garage or service station shall be made of standard open-hearth steel tank plate, or may be constructed of materials other than standard open-hearth steel tank plate when approved by the State Fire Marshal, and shall be constructed, installed and located in accordance with the provisions of 527 CMR 9.00.

10. No gasoline pump shall be located above the street floor of a garage, nor shall gasoline be handled above the street floor unless the garage is a building of first-class construction.

11. No motor vehicle shall be supplied with gasoline while in a garage in any other way than by means of a hose from either a portable tank or direct from a storage tank.

12. Any person, firm or corporation installing dispensing pumps for gasoline or other motor fuel in gasoline stations shall provide adequate protection against physical damage to said dispensing pumps.

13. Each portable gasoline tank used in a garage shall not exceed fifty-five (55) gallons in capacity, shall be mounted on a substantial iron or steel frame with rubber-tired wheels, and shall be equipped with a suitable hose not exceeding sixteen (16) feet in length, having a shut-off valve located near the pump connection.

The shut-off valve shall be kept closed when not in use.

14. Any portable or permanent electrically operated gasoline dispensing system authorized under 527 CMR 5.04(11) and 5.04 (13) shall, in addition to the safety devices already required, be protected by a heat activated shutoff switch, which will shut off the pump automatically when the temperature reaches 165°F. This switch shall be located within two (2) feet of the ceiling and within ten (10) feet of the location of the nozzle discharge.

15. No gasoline shall be delivered to the tank of any motor vehicle from a storage tank except by means of a hose equipped with an approved self-closing nozzle which shall be held open manually while making delivery or by an approved automatic shut-off nozzle, and no such delivery shall be made except by the owner-operator or a duly authorized employee, except as otherwise provided in 527 CMR 5.04(16). No gasoline shall be delivered into a portable container having a maximum capacity of seven (7) gallons or less which is not labeled in accordance with the pertinent provisions of 527 CMR 5.04(18).

6. The dispensing of motor fuel by means of self-service utomated dispensing systems shall be permitted, provided hat the applicant for such a system has submitted complete lans and specifications of the proposed installation to the tate Fire Marshal accompanied by the required examination fee as uthorized in Section 3B of Chapter 7, M.G.L., inserted by hapter 684 of the Acts of 1975, and has obtained approval f said plans, and further provided that there is compliance ith the following: full self-service facility may be allowed rovided that:

. The service station is under the control of the owner, operator, or duly authorized employee who shall be on duty at all times while motor fuel is being sold or dispensed.

. The motor fuel shall be dispensed only by a competent licensed motor vehicle operator or by the service station attendant.

. In addition to 527 CMR 5.04(5) and (8), approved signs bearing the words "Extinguish All Smoking Materials" and "Stop Motor While Refueling" shall be conspicuously posted at both ends of the pump dispensing island visible to approaching vehicles. All approved signs required by these regulations shall consist of block letters not less than two (2) inches in height and be either red letters on a white background or white letters on a red background.

l. The controlling mechanism console providing power to the pump motor is in constant attendance by the owner, operator or duly authorized employee at all times while motor fuel is being dispensed and is properly protected against physical damage from motor vehicles. constant attendance shall mean that the console operator must be at the console during its operation.

e. There is constant contact between the controlling mechanism console operator and the pump island by means of an inter-communication system which shall be maintained in proper operating condition at all times while motor fuel is being dispensed.

f. A means is provided for the controlling mechanism console operator to observe the filling operation at each vehicle, and the dispensing of motor fuel shall be continuously observed by the console operator during the time that any of the pumps have been activated to dispense motor fuel.

g. The controlling mechanism console includes a disconnect switch which will instantly cut off all pumping power to all motor fuel pumps at the service station.

h. The controlling mechanism console, switches, and related equipment are of a design and type approved by the State Fire Marshal.

i. Any person, firm, or corporation constructing a self-service facility or making changes or alterations in the method of dispensing motor fuel shall notify the head of the fire department, in writing, prior to submitting plans to the State Fire Marshal.

Self-service automated motor fuel dispensing system for which plans have been submitted subsequent to June 20, 1975, shall be equipped with a fire extinguishing system of a type approved by the State Fire Marshal, details of which shall be included with plans submitted to the State Fire Marshal for approval.

Motor fuel shall be dispensed only by means of an approved automatic shut-off nozzle which shall be held open manually. Hold-open clips shall not be allowed on self-service nozzles. Split-island facility may be allowed provided that:

There shall be installed on the full service islands an additional switch which will activate the overhead fire suppression system on, and deactivate power to, the self-service island.

The station operator shall be within 25 feet of one of the switches as defined in (2)(a) whenever the self-service dispensing mechanism is in operation.

Whenever the self-service dispensing mechanism is in operation, the service station operator shall be within visual range of the filling operation, complying with 527 CMR 5.04(16)(a), 5.04(16)(b), 5.04(16)(c), 5.04(16)(g), 5.04(16)(h), 5.04(16)(i), 5.04(16)(j), and 5.04(16)(k).

7. No gasoline shall be handled outside of storage tanks or ortable gasoline tanks except in approved safety cans or pproved metal or plastic containers, and they shall be kept ightly closed except when in use. Containers used for he handling and storage of gasoline in garages shall have a otal quantity not to exceed fourteen (14) gallons, and no such ontainer shall have a capacity in excess of seven (7) gallons.

8. No person shall sell or offer for sale any container aving a capacity of seven (7) gallons or less which in any ay is represented as suitable for the storage and/or ransportation of gasoline or kerosene unless such container as been approved by the state Fire Marshal and has permanently ffixed thereon a statement of approval, an approval number, and he date of approval as issued by the State Fire Marshal. asoline container shall be red in color approved by the State ire Marshal and shall bear the word "Kerosene." Lettering on oth containers shall be permitted. This rule shall not apply o those containers constructed and tested in accordance with nderwriters Laboratories (UL) Metal Safety Can standard 30 r Factory Mutual (FM) Safety Can Standard 6051/6052 for the torage and handling of small quantities of flammable and ombustible liquids.

9. No gasoline or other petroleum products shall be allowed o flow upon the floor of or into the drainage system of a arage.

0. No tank wagon or tank truck used for the transportation of gasoline, oil, or other petroleum products shall be kept in any portion of a garage unless the garage is used exclusively for the keeping of such vehicles or unless the portion so used is separated from the rest of the garage by a fire wall. The provisions of this rule need not apply provided all vehicles kept in the garage are the property of one owner.

1. No tank that has been used for the keeping or storage of gasoline shall be removed or relocated except as provided in Section 38-A, Chapter 148 of the General Laws, as amended.

2. All openings in barrels or drums which have once contained Class A flammables shall be kept tightly closed at all times, except when being refilled, emptied or repaired.

General Provisions

. All garages and the manner of keeping, storing or using gasoline in connection therewith shall be subject to the inspection of any member of the Department of Public Safety, and the head of the fire department or his assistants.

. In the event of a leak, rupture, spill, overflow or other accident involving the handling of flammable liquids, the head of the fire department shall be notified immediately.

. All underground storage facilities except fuel oil tanks and containers connected with burning equipment shall be installed and monitored for the prevention and detection of leakage of flammable and combustible liquids in accordance with the following provisions:

. Accurate daily inventory records by means of dip sticking shall be maintained and reconciled on all flammable or combustible liquid underground storage tanks for indication of possible leakage from said tanks or piping. The records shall be kept on the premises available for inspection by any member of the Department of Public Safety, and head of the fire department or his designee, and shall include, as a minimum, records showing type of product, daily reconciliation between sales, use, receipts and inventory on hand. If there is more than one system consisting of a tank(s), serving pump(s) or dispenser(s) for any product, the reconciliation shall be maintained separately for each tank system.

). Daily inventory shall be maintained for each tank system at each location by the operator. The inventory records shall be kept for a minimum of the past twelve (12) months at the premises. The operator shall mean the lessee or person(s) in control of and having responsibility for the daily operation of the facility for the storage and dispensing of flammable and combustible liquids.

- Inventory shall be based on the actual daily measurement and recording of tank product and water levels and the daily recording of actual sales, use, and receipts. Daily measurements will be acceptable either by gauge, gauge stick, or by readout from an automated gauging system. The inventory records shall include a daily computation of gain or loss. The mere recording of pump meter readings and product delivery receipts shall not constitute adequate inventory records.

- The operator of the location shall be responsible to notify the head of the fire department of situation, and to notify the owner or person(s) in control of the facility to take action to correct any abnormal loss or gain not explainable by spillage, temperature variations or other causes. The owner shall mean the person(s) who owns, as real property, the tank storage system used for the storage and dispensing of flammable and combustible liquids.

- As a minimum the following steps shall be taken in an expeditious manner when daily inventory records indicate an abnormal loss:

  1. The inventory records shall be checked for error.
  2. If no error is apparent, an independent calculation of apparent loss shall be made by a qualified person starting from a point in time where the records indicate a no loss condition.
  3. If step 2 confirms no apparent loss, the readily accessible physical facilities on the premises shall be carefully inspected for evidence of leakage.
  4. If step 3 does not disclose a leak, the dispensers used with the particular product involved with the apparent loss shall be checked for calibration.
  5. If steps 1 through 4 do not explain the apparent loss, the situation shall be reported promptly to the authority having jurisdiction.
  6. If step 4 does not explain the loss, and if the piping system can be tested without the need for excavation, the piping system between the storage tank and dispenser(s) shall be tested in accordance with 527 CMR 9.06(20)(a). If it is necessary to excavate to perform a piping test, such a test shall be conducted after a storage tank test has been performed in accordance with step 7.
  7. If step 6 does not disclose a leak, the storage tank(s) shall be tested for tightness by an approved test.

8. If steps 1 through 7 do not confirm the apparent loss, the daily inventory shall be continued with a daily independent verification by a qualified person. Additional surveillance of the facility should be engaged to insure against anauthorized removal of product.

9. If any of the above tests or investigations indicate the source of the loss, the owner shall take immediate action to correct the system failure.

Daily inventories need not be maintained on those days that an installation is not in operation, but not to exceed fifteen (15) days.

The owner and operator will conduct an inventory verification program on a scheduled basis, at least once every two (2) years. A copy of the record of this verification program shall be kept on the premises available for inspection by any member of the Department of Public Safety, or head of the fire department or his designee.

NOTE: Upon the cessation of the exercise of a license, the holder of said license shall notify the local licensing authority and the head of the fire department in his area or district. The head of the fire department shall prescribe rules to eliminate hazardous conditions incident to such cessation as provided in 527 CMR 10.12(2)

e owner or operator of any self service type business as at term is defined in Section 2, shall comply with all estrictions appearing on any and all plans submitted to d approved by the Chelmsford Fire Department and the State re Marshal, including but not limited to any and all restrictions ncerning the number of employees who must be on the premises ring operating hours.

y violation of this section shall be punishable by a fine one hundred dollars ($100.00) for each offense. Each day at any violation continues shall constitute a separate fense.

SECTION 9 - TANKS AND CONTAINERS

efinitions

bandoned, out of service for a continuous period in excess f six months in the case of a storage facility which a license rom the local licensing authority is required under the rovisions of M.G.L. c. 148, s. 13, and for a period in xcess of twenty-four months in the case of any other torage facility.

pproved, approved by the State Fire Marshal.

oard, the Board of Fire Prevention Regulations.

athodic protection, a system which inhibits the corrosion of tank or its components either through the sacrificial anode r the impressed current method of creating a corrosion-nhibiting electrical current. (Reference: API (American etroleum Institute) Publication 1632 - First Edition 1983).

ommissioner, the Commissioner of Public Safety.

omponents, piping, pumps, and other related storing, conveyanc-ng, and dispensing elements which, together with one or more anks and any cathodic protection or monitoring system, onstitute a storage facility.

onsumptive use, fuel oil used exclusively for area heating nd/or the heating of domestic water on the premises where tored.

orrosion Expert, a person who, by reason of thorough knowledge f the physical sciences and the principles of engineering nd mathematics acquired by a professional education and elated practical experience, is qualified to engage in the ractice of corrosion control on buried or submerged metal iping systems and metal tanks. Such person shall be accredited r certified as being qualified by the National Association of orrosion Engineers (NACE) or be a Massachusetts registered rofessional corrosion engineer. The corrosion expert shall ollow applicable NACE criteria.

epartment, the Department of Public Safety.

ouble-walled tank, a container with two complete shells which rovide both primary and secondary containment. The container hall have a continuous three hundred sixty degree (360°) nterstitial space between the primary and secondary shell. he interstitial space shall be designed so that an approved nterstitial space monitor is able to continuously monitor his space. All double-walled tanks shall be UL-listed.

Engineer, a Massachusetts registered professional engineer.

European Suction System, an underground suction piping system which is sloped back to the bank so that the contents of the piping will drain back into the tank if the suction is released, and only one check valve is used which is located directly under the dispenser.

Existing facility, a facility whose construction, installation or operation began prior to the effective date of the revised edition of 527 CMR 9.00 printed and effective December 31, 1986.

Flammable liquid, any liquid occurring at normal temperature and pressure which will emit a vapor which can be ignited by a flame or spark.

Flammable liquids, covered by these regulations are divided into the following three classes:

Class A, any flammable liquid having a flash point below one hundred degrees Fahrenheit (100°F), to be ascertained by any standard closed-cup instrument.

Class B, any flammable liquid having a flash point of not less than one hundred degrees Fahrenheit (100°F) nor higher than one hundred eighty seven degrees Fahrenheit (187°F), to be ascertained by any standard closed-cup instrument.

Class C, any flammable liquid having a flash point above one hundred eighty seven degrees Fahrenheit (187°F) to be ascertained by any standard, closed-cup instrument.

Fuel oil, oil of grades 1, 2, 4, 5, and 6 established in accordance with M.G.L. c. 94, s. 249H.

Head of the fire department, the fire chief or other top ranking official of the local fire department.

Leakage or leak, any uncontrolled movement, measurable by a final or precision test, as described in the current Pamphlet No. 329 of the National Fire Protection Association, which can accurately detect a leak of 0.10 gallons per hour with the probability of detection of 0.99, and the probability of false alarm of 0.01. (NOTE: The Massachusetts Department of Environmental Protection requires notice if a tightness test indicates a failure of 0.05 gallons per hour or greater.)

Marshal, the State Fire Marshal.

Monitoring system, a full-time approved system installed for the purpose of early detection of leaks, such as observation wells, visual or audible alarms, or their equivalent. Minimum standards of in-tank monitoring systems shall consist of in-tank equipment which provides continuous monitoring of any liquid from the tank at a minimum rate of 0.10 gallosn per hour or more over a six-hour period with the probability of detection of 0.99, and the probability of false alarm of 0.01.

Observation well, a dug or drilled cased well which can be used for detecting the presence of flammable liquids, which is drilled to a depth intercepting the water table, and which is installed and maintained in an approved manner.

Operator, the lessee of a storage facility, or the person or persons responsible for the daily operation of a storage facility.

Out of service, not in use in that no filling or withdrawal is occurring.

Owner, the person or persons or government entity having legal ownership of a storage facility.

Person, any agency or political subdivision of the Federal Government or the Commonwealth of Massachusetts; any state, public or private corporation or authority, individual, trust, firm, joint stock company, partnership, association, consortium, joint venture, or other commercial entity; and any officer, employee or agent of said person, and any group of said persons.

Pipeline, any trunk pipeline within the Commonwealth for the transportation of flammable liquids.

Product line leak detector, a device designed to detect product or pressure losses in a pressurized product line of a remote pumping station.

P.s.i., pounds per square inch gauge.

Qualified person, a representative certified by the manufacturer of the product being installed or tested.

Remote pumping system, a pressurized product line system in which flammable liquids are supplied to a point away from the tank by means of a pumping unit.

Replacement and substantial modification, a construction of any additions to an existing storage facility, or any restoration, refurbishment, or renovation which significantly impairs or affects the physical integrity of the storage facility or its monitoring system.

Secondary containment or equivalent protection, techniques that may include impervious liners, double-walled tanks, or equivalent methods approved by the Marshal.

Storage facility, one or more tanks at a particular site, together with all components thereof, used or designed to be used for the storage of any product within the scope of this regulation.

Tank, any structure either underground or aboveground used or designed to be used for the storage of any product within the scope of this regulation; as well as any aboveground structure in excess of 10,000 gallons capacity used or designed to be used for the storage of any fluid except water.

L-listed, included in a current list or report of approved quipment, materials, or methods published by Underwriters aboratories, Inc.

nderground storage, where 10% or more of the tank volume nd piping is buried below the ground surface but which shall ot include storage in a freestanding container within a uilding.

ater supply, any raw or finished source that is presently sed, reserved for future use, or under investigation for uture use by a public water supply as defined in 310 CMR 2.02, or used as a source of private drinking water by one r more persons. This shall include all land and/or waters sed as a tributary to a public water system except those nder 310 CMR 22.22.

one 2 (Zone of Contribution), that area of an aquifer which ontributes water to a well under the most severe recharge nd pumping conditions that can be realistically anticipated. t is bounded by the groundwater divides which result from umping the well and by the contact of the edge of the aquifer ith less permeable materials such as till and bedrock. At ome locations, streams and lakes may form recharge boundaries. pecific criteria for the determination of Zone 2 may be btained from "Guidelines for Public Water Systems" by the assachusetts Department of Environmental Quality Engineering, ivision of Water Supply.

ikes and Fire Protection for Aboveground Tanks

. The Commissioner or head of the Fire Department or his designee ay require any tank to be enclosed by a substantial dike constructe f metal, earth, clay or reinforced concrete, to be no higher than alf the height of the highest tank enclosed, forming a retaining asin not less than the capacity of the largest tank plus 10% of he aggregate capacity of all other tanks within the enclosure.

. A dike surrounding a tank containing fluid susceptible to oilover shall form a retaining basin having a capacity of not ess than 125% of the capacity of the tank or group of tanks urrounded. Unless means are available for extinguishing a ire in a tank, dikes and walls enclosing tanks containing luid susceptible to boilover shall be provided at the top ith a flareback section designed to turn back a boilover ave.

. The total gallonage of a group of tanks to be enclosed in ny one diked area shall not exceed 6,300,000 gallons, and ny single tank in excess of this amount shall be separately iked.

. Such an embankment or dike shall be made of clay-core ravel fill, masonry, reinforced concrete, or other approved aterial. An earthwork embankment or dike shall be firmly nd compactly built of clean earth from which stones, vegetable

atter, etc., have been removed and shall have a flat top
ot less than 3 feet in width and slope at least 1½' to 1'
n both sides. Small tanks with capacities not over 25,000
allons each may be grouped and an embankment or dike built
round the group of tanks. Embankments or dikes shall be
ontinuous with no openings for piping or roadways. Piping
nall be laid over or under the embankments or dikes.

. No building shall be located within the diked area.

. The Commissioner or head of the Fire Department or his
esignee may require any tank to be provided with such connections
or fire extinguishing purposes as he may deem necessary.

. First-aid fire control appliances shall be provided in
uch quantity and so located as the head of the fire department
ay prescribe.

nderground Piping

. All new and replacement piping shall be installed with econdary containment which may include impervious liners, ouble-walled piping, or equivalent methods approved by the arshal. If a suction system is used with a check valve nder the dispensing pump and the piping is pitched to the ank, secondary containment of new or replacement piping hall not be required. (Reference: 527 CMR 9.11 (3).

. All new or replacement piping shall be constructed of oncorrodible materials such as fiberglass reinforced lastic (FRP) or its equivalent, or shall be protected gainst corrosion by the use of a steel system cathodically rotected by impressed current or sacrificial anodes or by ome other type of equivalent protection. (Reference: 527 MR 9.15 (6).

. Product lines shall be installed in a trench between he tank area and the pump island. Similarly, underground ent lines shall be installed in a trench.

. Before underground piping is installed, the trench shall eceive a minimum 6-inch deep bed of well-compacted non-orrosive material such as clean washed sand or gravel. ll trenches shall be wide enough to permit at least 6 inches of noncorrosive backfill material around all lines.

. All pipes connected to such tanks shall lead from the ops of tanks, and the tops of all tanks shall be below the level of the lowest horizontal pipe used in the connection herein except where the design specifically prevents a possible syphoning condition with the approval of the head of the fire department.

. All pipes used for the conveyance of flammable liquid shall decline to tanks without traps or pockets, and shall be protected against injury. Piping drops from submerged pumps to allow piping decline to the tank shall not be considered a trap.

7. Underground copper piping or tubing shall not be used on new or replacement piping installations unless the copper piping or tubing is adequately protected against physical damage and protected from corrosion. Copper piping or tubing shall only be allowed for use as a product line when installed in an installation covered by 527 CMR 4.00.

8. At marine fueling facilities where tanks are at an elevation which produces a gravity head on the dispensing unit, the tank outlet shall be equipped with a device, such as a solenoid valve, positioned adjacent to, and downstream, so installed and adjusted that liquid cannot flow by gravity from the tank in case of piping or hose failure when the dispenser is not in use.

9. A double elbow swing joint or flexible connector shall be installed at all locations where piping changes direction from horizontal to vertical or from vertical to horizontal.

nderground Tank Installation

. No new or replacement tank or piping shall be installed, nether as part of a new or existing storage facility, unless he owner has given notice of its installation to the head of he fire department; and no new or replacement tank or piping hall be buried or concealed until it has been inspected for amage and external defects, and has been approved by the ead of the fire department or his designee. A tightness test n all new or replacement tanks and piping shall be done fter the installing, backfilling and surfacing to grade ave been completed, this test shall be of both the tank and he piping.

. No new or replacement tank shall be installed except by contractor who has been certified in writing by the anufacturer or a petroleum equipment association as qualified or the purpose. The contractor shall, prior to any instal- ation, submit to the head of the fire department a copy of uch certificate.

. The installation of a new or replacement tank, including nchoring of the tank, shall be carried out in accordance ith the manufacturer's recommendation, accepted engineering ractices, and the provisions of 527 CMR 9.10, provided that he backfill material for FRP (fiberglass reinforced plastic) anks shall be pea gravel or crushed stone and the backfill aterial for all other tanks shall be either pea gravel or lean noncorrosive sand free of cinders, stones, and any ther foreign material with the material under the tank to e compacted and the balance to be placed in uniform lifts nd to be thoroughly compacted.

. Any damage to the exterior of a tank or its coating shall e repaired before the tank is covered.

. Every new or replacement tank and its piping shall be ested separately, at the owner's expense, prior to its being uried. The tank shall be tested by air pressure not less han 3 lbs. and not more than 5 lbs. per square inch. The iping shall be tested hydrostatically (or by air pressure) o 150% of the maximum anticipated pressure of the system ut not less than 50 lbs. per square inch gauge at the highest oint of the system. After the tank and piping have been ully buried, all subsequent testing of the underground tanks hall be done in accordance with the provisions of Pamphlet o. 329 Chapter 4-3.11 of the National Fire Protection ssociation, or other test equivalent or superior accuracy. he owner shall furnish the head of the fire department with a certified copy of all testing required by 527 CMR 9.13 hich the fire department shall keep with the records of he storage facility.

. Steel tanks completely underground shall be covered with a minimum of 2 feet of earth or shall be covered with not less than one foot of earth, on top of which shall be placed a slab of reinforced concrete not less than 4 inches thick.

hen they are or are likely to be subjected to traffic, hey shall be protected against damage from vehicles assing over them by at least 3 feet of earth cover, or 8 inches of well-tamped earth plus 6 inches of reinforced oncrete or 8 inches of asphaltic concrete. When asphaltic r reinforced concrete paving is used as part of the pro- ection, it shall extend at least one foot horizontally eyond the outline of the tank in all directions.

. An underground storage tank used for the storage of a lass A flammable liquid, if within 10 feet of a building aving a cellar or basement shall be placed below the level f the floor of such cellar or basement.

eak Detection Equipment, Testing and/or Inventory Requirements or Underground Tanks

.. Fuel oil tanks used exclusively for consumptive use, waste il tanks, and hazardous waste tanks shall be exempt from 527 MR 9.11(2), 9.12, and 9.13 (Reference: 527 CMR 5.00, and 310 MR 30.00 "Hazardous Waste Regulations").

. All other tanks shall satisfy one of the three following ptions.

a. Mandatory inventory record keeping as defined in 527 CMR 9.12 in addition to periodic tightness testing as defined in 527 CMR 9.13.

b. The installation and maintenance of an approved in-tank monitoring system installed and maintained by a qualified person.

i. The operator shall prepare, reconcile, and maintain daily inventory control records for each tank and for every combination of interconnected tanks. This inventory shall be taken by the use of the in-tank monitor for the purpose of prevention and early detection of leaks. (Reference: 527 CMR 9.12)

ii. At the close of each calendar month, the operator shall use the in-tank monitor over a continuous period of six hours to determine any loss of product. A loss of 0.10 gallons per hour or more over a six-hour period with the probability of detection of 0.99 and a probability of false alarm of 0.01 shall constitute a leak.

iii. If the above-mentioned procedure is followed and the tank is considered tight, then the requirements for tank tightness testing in 527 CMR 9.13 shall be considered as being complete.

iv. At the end of each calendar month, the operator shall take a measurement to determine if any water has entered the underground storage tank. This measurement shall be recorded and any excess of water shall be removed. (Reference: 527 CMR 9.12)

c. The installation of an approved double-walled tank, an interstitial space monitoring system, and liquid removal port.

i. This installation shall be exempt from the requirements of tank tightness testing in 527 CMR 9.13 provided that the continuous monitor is installed and maintained by a qualified person.

ii. If the monitor activates, whether a trouble or an alarm mode, the owner or operator shall immediately notify the local fire department.

iii. At the close of each calendar month, the operator shall take a measurement to determine if any water has entered the underground storage tank. This measurement shall be recorded and any excess of water shall be removed. (Reference: 527 CMR 9.12)

. Double-walled tanks with an approved interstitial space onitoring system aswell as piping with secondary containment hall be required for new or replacement tanks and piping when sole source aquifer area designated by the U.S. Environmental rotection Agency is underlying the location. All new or eplacement piping shall be continuously monitored for product oss.

. The owner and/or operator of every storage facility shall eep all records of cathodic protection monitoring, leak etection monitoring, inventory records, and any other records equired by this regulation for the remaining operating life f the facility. These records shall be made readily available pon request of the Office of the State Fire Marshal and/or he head of the fire department or his designee.

nventory Methods for Underground Tanks

.. The operator of every new and existing storage facility hall prepare, reconcile and maintain daily inventory records or each tank and for each combination of interconnected tanks ith a common level of product (hereinafter, a combination), or the purpose of prevention and early detection of leaks. he preparation, reconciliation, and maintenance of such ecords shall be done in accordance with the provisions of 27 CMR 5.05(3) as amended, with the following additions and odification:

a. At the close of each calendar month, the operator shall determine, for that month and for each tank or combination, the number of days in which any amount of product was dispensed and the number of days in which a loss of product was recorded. These records shall include the inspection details on monitoring wells and leak detection systems.

b. An abnormal loss of product for any tank or combination shall mean a loss not explainable by spillage, temperature variations or other causes, in excess of 0.5% of the volume of product dispensed over a period of a calendar month.

(Reference: API Publication 1621, Third Edition, 1977 as provided in 527 CMR 5.05 (3)(d).

c. In the event of any abnormal loss of product, the following steps shall be taken, with the investigation not to stop until the discrepancy has been found, the tank has been tested, repaired or replaced, or the entire procedure has been completed:

i. Inventory input and output records shall be checked by the owner of the tank for arithmetical error.

ii. Inventory shall be checked by the owner of the tank for error in measurement.

iii. If the abnormal loss is not reconcilable by steps (i) and (ii) or cannot be affirmatively demonstrated to be the result of theft, the accessible parts of the storage system shall be checked for damage or leaks.

iv. Monitoring wells and leak detection systems shall be checked for signs of a discharge.

v. Calibration of the inventory measuring system and any dispensers shall be checked.

vi. The entire storage system, excluding the vent but including joints and remote fill lines, shall be tested in accordance with the applicable sections of 527 CMR 9.00.

vii. If a discharge, leak, or threat of release is discovered, the requirements of the applicable sections of 527 CMR 9.20 shall be met by the owner of the tank.

. An abnormal gain of water shall be a gain in the water level inside any tank of more than one inch in a 24-hour period.

. In the event of any abnormal gain of water, the owner shall, at the owner's expense, have the water removed from the tank and disposed of in a manner as directed by the Department of Environmental Quality Engineering (DEQE) and have the water checked 24 hours later during which time no product shall be added.

. Apart from abnormal gains of water, the owner of any tank in which water has accumulated to a depth of 3 inches or more shall at the owner's expense, have the water removed and disposed of in a manner as directed by DEQE.

. For every storage facility covered by the inventory control requirements of 527 CMR 9.12, the operator shall maintain record on the premises available for inspection by any member of the Department of Public Safety or the head of the fire department or his designee, in accordance with 527 CMR 5.05 (3)(a); and the inventory records shall be kept on the premises for a minimum of the prior 12 months, in accordance with 527 CMR 5.05(3)(b).

. The negative voltage of every cathodic protection system quipped with a test wire and/or box that is part of the acility shall be recorded, inspected and tested by a ualified person at least annually. If any such system oes not have adequate negative voltage or is otherwise efective, the owner shall have the system repaired promptly y a qualified person. for purposes of this subsection, he term "adequate negative voltage" shall mean a negative oltage of at least -0.85 volts if a copper-copper sulfate eference electrode is used, and of at least +0.25 volts if zinc reference electrode is used when measured in accordance ith NACE RP-01-69-83 criteria and its most recent revision, r other criteria contained in NACE RP-01-69-83. If an lectrical impressed current corrosion protection system as been installed, it shall be operated and maintained y a person with sufficient training and experience to nsure that no release occurs during the operating life. ll impressed current systems shall be inspected every ixty (60) days to insure that the equipment is operating roperly.

. For failure to comply with 527 CMR 9.12, see 9.13(6).

Testing for Tightness of Underground Storage Facilities

. The owner of every new or existing storage facility shall ave all new or replacement piping tested, at the owner's expense, in accordance with this section during a period of 12-24 months after the date of installation.

2. If any testing discloses a leak or a loss which is not reconcilable, the operator and the owner shall comply immediately with the requirements of 527 CMR 9.20, and the head of the fire department may direct the owner, at the owner's expense, to have all other tanks on the premises and their components tested in the same manner.

3. The owner of every existing storage tank which does not have an acceptable form of leak detection (Ref: 527 CMR 9.24(4)), but which does have a spill containment manhole and an overfill prevention device shall have the tank tested at the owner's expense during the 5th, 10th, and 15th year after installation and at five year intervals thereafter until 1998.

4. The owner of every existing storage tank which does not have an acceptable form of leak detection (Ref: 527 CMR 9.24 (4)), and which does not have a spill containment manhole and an overfill prevention device shall have the tank tightness tested at the owner's expense on an annual basis until 1998.

5. Every existing suction piping system not of European design shall either have secondary containment with an approved interstitial space monitoring system or shall be tested during the 3rd, 6th, and 9th year after installation and at three year intervals thereafter.

6. With respect to any tank to which the inventory control requirements of 527 CMR 9.12 are applicable, the head of the fire department shall require the operator to have it and its piping promptly tested, at the owner's expense, whenever the operator fails to prepare, reconcile, and maintain the daily inventory records or fails to perform the required monthly calculations.

7. The head of the fire department may require the owner of any existing tank to have it and its piping tested, at the owner's expense, in any case in which the owner has failed to make timely application for a permit as required under 527 CMR 9.26.

8. Except for testing performed on a tank and its piping prior to their being covered, a tank shall be tested by any final or precision test not involving air pressure which can accurately detect a leak of 0.10 gallons per hour with a probability of detection of 0.99, and a probability of false alarm of 0.01, and which has been approved by the Marshal.

9. All tests shall be approved and administered by qualified persons, and any such persons shall notify the head of the fire department prior to administering a test.

10. The owner of every existing pressurized piping system which is not monitored through the use of soil monitors at the end of every calendar month minimum shall have the piping tested, at the owner's expense, on an annual basis.

11. Every existing pressurized piping system which has secondary containment and an approved interstitial space monitor shall be exempt from tightness testing of the piping.

12. The person performing any test under 527 CMR 9.13 shall promptly supply the owner and the head of the fire department with certified copies of all test results for a tank and its piping. The head of the fire department shall keep his copy with the records of that storage facility.

Response to leaks

. In the event of a leak, whether determined by testing or otherwise, the following steps shall be taken:

. The operator shall immediately notify the owner.

. The owner or operator shall immediately notify the head of the local fire department and the Office of Incident Response of the Department of Environmental Quality Engineering (OIR-DEQE).

. If testing has confirmed that the source of the leak is the piping for a particular tank, the operator shall take that tank out of service immediately.

. If testing has confirmed that the source of the leak is a particular tank, the owner shall within 24 hours cause that tank to be emptied of all its product.

anks Abandoned or Temporarily Out of Service

. If the owner decides to abandon a tank which is either ocated under a building and cannot be removed from the round without first removing the building or which is so ocated that it cannot be removed from the ground without ndangering the structural integrity of another tank, the wner shall notify the head of the fire department of this ondition. After verification that such condition so xists, the owner shall have all product removed from the ank, by hand pump if necessary, under the direction of the ead of the fire department, and shall have the tank filled ith a concrete slurry mix or any other inert material pproved by the Marshal for this purpose.

. Except as provided in 527 CMR 9.22(1), no tank may be bandoned in place. Any owner of a tank who has decided o abandon it and any owner of a tank which has been out f service for a period of time constituting abandonment s defined in 527 CMR 9.02, shall immediately obtain a ermit from the head of the fire department pursuant to M.G.L. c. 148, s. 38A, and, subject to the directions of he head of the fire department, shall have any product emoved from the tank, all openings properly secured, and he tank removed from the ground. The product and tank shall e disposed of in accordance with 310 CMR 30.00 "Hazardous Waste Regulations," at the owner's expense, as directed by he head of the fire department.

. The owner of every tank licensed under M.G.L. c. 148, hich the owner has decided to take out of service for a eriod of less than six months, shall promptly notify the head of the fire department of the decision, shall ave all product removed from the tank and disposed of in accordance with 310 CMR 30.00 "Hazardous Waste Regulations," as directed by the head of the fire department, and shall ave all openings properly secured and the tank rendered inert. Before any such tank may be restored to service, the owner of the tank shall notify the head of the fire department, who may require that the owner have the tank and its piping tested, at the owner's expense, in accordance with the provisions of 527 CMR 9.13(8), (9), and (10).

Tank Removal

1. Any person granted a permit by the Marshal or the head of the fire department to remove a tank under the provisions of M.G.L. c. 148, or 527 CMR 9.00, shall within 72 hours provide the permit-granting authority with a receipt for delivery of said tank to the site designated on the permit.

2. Before any person is granted a permit by the Marshal or the head of the fire department to remove a tank under the provisions of M.G.L. c. 148, or 527 CMR 9.00, and said tank is not being transported to an approved tank yard, the person requesting the permit shall provide the permit-granting

uthority with written approval for the designated site f disposition. (Reference: 502 CMR 3.00 for tank removal nd disposal procedures)

nspection

ny person applying for a permit to remove one (1) or ore tanks which have an individual capacity greater than ,000 gallons shall be required to have a Chelmsford Fire epartment Firefighter on the site observing a tank removal. he Firefighter must be on site from the time the tank is uncovered ntil the tank has left the site for proper disposal. The Fire- ighter will be paid detail rate by the person applying for the ermit through the town of Chelmsford and will be paid a minimum etail of 4 hours. A minimum notice of 12 hours shall be required or this detail.

pgrading of Existing Underground Storage Tank Systems

. Fuel oil tanks utilized exclusively for consumptive se on the premises shall be exempt from the requirements f 527 CMR 9.24(4)..through (13).

. All existing underground storage tanks shall be retrofitted ith a spill containment manhole and an overfill prevention evice on or before May 30, 1993 unless the storage tank is equired to be upgraded with Stage II Vapor recovery in ccordance with 310 CMR 7.00 before that date. On all tanks hich are required to implement Stage II Vapor recovery before ay 30, 1993 a spill containment manhole and an overfill revention device shall be installed and operational on the ate Stage II Vapor recovery is to be in effect in accordance ith 310 CMR 7.00. Fuel oil tanks of 1,100 gallons or less apacity utilized exclusively for consumptive use on the remises shall be exempt from the retrofit of a spill contain- ent manhole, provided the tank was installed before January , 1989.

3. An overfill prevention device shall be designed so as not to preclude the ability to perform any required tightness test on the tank and piping. The following options are acceptable:

a. A device which shall automatically shut off flow into the tank when the tank is no more than 95 percent (95%) full.

b. A device which shall alert the individual delivering product whenthe tank is no more than 90 percent (90%) full by restricting the flow into the tank or triggering a high-level alarm.

4. All tanks shall be equipped with leak detection. The following methods are acceptable:

a. A double-walled tank with an approved interstitial space monitor.

. An approved in-tank monitor which shall be utilized in accordance with 527 CMR 9.11(2)(b).

he following schedule shall be required for the upgrade f leak detection on existing underground storage tanks. f this schedule is not complied with, see 527 CMR 9.24(5), 6) and (7).

F THE TANK WAS INSTALLED	LEAK DETECTION REQUIRED BY 12/22
efore 1969 or unknown	1990
1970-1974	1991
1975-1979	1992
1980-Dec. 1988	1993

. If the tank does not have leak detection installed, in ccordance with the above-mentioned upgrade schedule, but as a spill containment manhole, overfill prevention device, nd cathodic protection, the tank shall be tightness tested uring the 5th, 10th, and 15th year after installation, and t five-year intervals until 1998.

. If the tank does not have leak detection installed in ccordance with the schedule in 527 CMR 9.24(4) and does not ave a spill containment manhole, overfill prevention device, nd cathodic protection, the tank shall be tightness tested n an annual basis until 1998.

. If the tank does not have leak detection installed by ecember 22, 1998, the owner/operator shall have the tank emoved from the ground on or before December 22, 1998.

3. All pressurized piping shall meet one of the following equirements by December 22, 1990:

a. If the piping has secondary containment, an approved interstitial space monitor may be used.

b. An automatic flow resistrictor, an automatic shutoff device, or a continuous alarm system shall be installed. These devices shall accurately detect a leak of three gallons per hour with the probability of detection of 0.99 and a probability of false alarm of 0.01. If this option is utilized, the piping shall be required to be tightness tested on an annual basis, or monthly monitoring for vapors in the soil shall be performed and documented.

9. If a European Suction System is used, leak detection is not required on the piping.

10. If a suction system is used which is not a European Suction System, one of the following leak detection options shall be required for the piping:

a. If the piping has secondary containment, an approved interstitial space monitor shall be used.

b. A tightness test shall be conducted every three years.

1. If the facility has unprotected steel tanks and/or piping, hey shall be retrofitted with cathodic protection by December 2, 1998. Until cathodic protection has been added, an annual ightness test shall be required if the tank and/or piping o not have cathodic protection by December 22, 1998 the wner/operator shall have the tank and piping removed from he ground on or before December 22, 1998.

2. A tightness test shall be done on both the tank and piping ithin one month before adding cathodic protection as well as ix totwelve months after cathodic protection has been added.

3. The provisions of 527 CMR 9.26(4) shall be complied with hen adding any of the above-mentioned devices.

4. Written notification shall be given to the head of the ire department before upgrading begins clearly describing hat devices will be installed.

ermits

. Either the original or photographic copy of all permits ranted under the provisions of 527 CMR 9.00 shall be onspicuously posted or kept on the premises.

. New Storage Facilities:

. No storage facility shall be installed unless the owner shall first have obtained a permit from the head of the fire department. This permit shall be in addition to any license or any other permit required by M.G.L. c. 148, or by any regulations issued thereunder.

. The appliation for a permit shall be on a form obtained from the head of the fire department and shall include the following information and any other information he or the Department may require:

i. Name, address, and telephone numbers (day and night) of the owner.

ii. Name, address, and telephone numbers (day and night) of the operator.

iii. The number of tanks in the proposed facility and the capacity of each proposed tank.

iv. The proposed type of construction of each tank and its piping, together with the tank's approval number if any, and a description of any provisions made for cathodic protection, electrical isolation, and early detection of leaks through a monitoring system.

v. The depth below ground level of the lowest and highest points of each proposed tank.

c. In a storage facility with more than one proposed tank, the applicant shall furnish the head of the fire department with a certificate signed by a qualified person stating that the proposed facility meets all the design requirements of 527 CMR 9.00.

. The applicant shall also furnish a plot plan of the site and the area surrounding it, showing the location of each proposed tank and its components and of any building on the site, the approximate location of any public or private well and of any body of surface water within 500 feet of the proposed storage facility.

. The head of the fire department may require secondary containment or equivalent protection for new installations where groundwater below the facility is within Zone II (Zone of Contribution) of municipal water wells, or where private potable water wells or a water supply reservoir is within 300 feet of the bank installation.

. Existing Storage Facilities:

. The owner of every underground storage facility installed prior to May 9, 1986, shall apply to the head of the fire department for a permit to maintain the storage facility. Application shall be made on forms obtained from the head of the fire department.

. The applicant shall furnish a plot plan to scale of the facility site and the area surrounding it, showing the location of each tank and its components and of any building on the site, and the approximate location of any public or private well and of any body of surface water within 500 feet of the storage facility. Legend notes shall include, to the extent available to the owner, the following information and any other information required by the head of the fire department.

i. Name, address, and telephone numbers (day and night) of the owner.

ii. Name, address, and telephone numbers (day and night) of the operator.

iii. The number of tanks in the facility and the capacity and contents of each tank.

iv. The type of construction for each tank and its piping, together with a description of any provisions made for cathodic protection, electrical isolation, and early detection of leaks through a monitoring system.

v. The date of installation of each tank.

c. The owner shall furnish evidence of the date of installation. Such evidence may include, but is not limited to, a copy of any license or permit issued by the local licensing authority and the head of the fire department. If no substantial evidence of the date of installation is supplied, the tank shall be presumed to have been installed 20 years prior to May 8, 1986.

1. The following storage facilities shall be exempt:

   i. Farm or residential tanks of 1100 gallons capacity or less used for storing motor fuel for noncommercial purposes.

   ii. Residential or commercial tanks storing or having stored heating oil (fuel oil) for consumptive use on the premises.

2. The filing deadline for a permit to maintain an existing storage facility is May 8, 1986.

4. Replacement or Substantial Modification:

a. There shall be no replacement of a tank or its components or substantial modification of any storage facility unless the owner has first applied for and obtained approval in writing from the head of the fire department who shall keep a copy of his approval with the records for that storage facility.

b. Any application for approval under 527 CMR 9.26(4) shall be in writing and shall clearly describe the type of construction of any replacement tank or component of the modification that is proposed.

c. Any application to add cathodic protection to an existing storage facility using one or more steel tanks shall be accompanied by a design plan prepared by corrosion expert which plan is to include provisions for a test box to allow measurement of electrical potential and current flow.

d. If the head of the fire department determines that the proposed replacement or modification constitutes a danger to a public or private well, aquifer, recharge area or body of surface water, or for any other reason, the head of the fire department may deny the application or approve it subject to conditions that he may deem necessary to protect such public or private water supply.

e. No replacement or substantial modification shall be made except by a contractor who has been certified by the manufacturer as qualified for that purpose.

f. The head of the fire department may require that existing tanks other than those used for heating purposes shall be equipped with observation wells or other detection systems if in his opinion the location of the tanks could jeopardize safety of the public.

5. Renewal of Permits and Changes of Ownership:

a. The owner of any new or existing facility for which a permit has been issued under 527 CMR 9.26 (2) and (3) must apply to the head of the fire department for renewal of the permit at 5-year intervals from the date on which the original permit was granted. The application for renewal must include any changes required under 527

CMR 9.26(1)(b) and (2)(a). No application for renewal may be denied except for violations of 527 CMR 9.00 and in accordance with the procedural requirements of 527 CMR 9.25(2).

b. The owner of any storage facility shall within seven working days notify the head of the fire department of any changes in the name, address, or telephone numbers of the owner or of the operator. In the case of any transfer of ownership, the new owner shall be responsible for the notification of this transfer.

Installation of Aboveground Waste Oil Storage Tanks

1. Permanent Storage Outside a Building

a. Shall be limited to five hundred (500 gallon capacity if the tank is adjacent to a building or other structure). For quantities in excess of 500 gallons capacity, the tank(s) shall be located a minimum of twenty-five feet (25') from any building or structure and shall require a license in accordance with M.G.L. c. 148, s. 13, in addition to a permit from the head of the fire department.

b. Shall require a permit to install, maintain, and store from the head of the fire department.

c. Shall be located at least five feet (5') from any building openings.

d. Shall have a containment dike capable of containing one hundred ten percent (110%) of the capacity of all product within the dike.

e. The tanks, based upon the building's occupancy, shall be protected against damage from vehicular traffic. The type of protection shall be steel posts, I-beams, or similar protection at the discretion of the head of the fire department.

f. For security purposes, a fence or an enclosure capable of being locked shall be erected to prevent unauthorized filling of the tank. If the tank does not have a fence or enclosure, the fill shall be capable of being locked.

g. The tanks shall be vented and the vents shall be a minimum of 1¼" in diameter. Vents shall terminate not less than twelve feet (12') above the adjacent ground level and shall be so located that vapors will not be trapped by eaves or other obstructions and shall be at least five feet (5') from any building opening.

h. The tank fill shall be located on the top of the tank and be a minimum of 1½" in diameter.

i. The fill shall be a funnel-type hopper fill large enough to prevent dripping and spillage when filling. The funnel-type hopper shall have a tight-fitting hinged or chained cap which shall be closed when not in use.

. The port used for pumping out the tank shall be located on the top of the tank. The fill and the port used for pumping out shall not be the same port.

. The support for waste oil tanks shall be of noncombustible material and capable of supporting the superimposed load; and the tank shall be secured against settling, sliding, or lifting.

. All tanks shall be UL-listed and shall conform to the design criteria in 527 CMR 9.00.

. Each tank in which hazardous waste is being accumulated shall be clearly marked and labeled throughout the period of accumulation with the following:

1. The words "HAZARDOUS WASTE".
2. The hazardous waste identified in words (e.g., WASTE OIL).
3. The type hazard associated with the waste indicated in words (e.g., TOXIC).
4. The date on which each period of accumulation begins in that tank.

NOTE: Marks and labels shall be placed on the sides of each tank in such a manner that they are clearly visible for inspection.

. Underlying all aboveground tanks in which hazardous waste is accumulated shall be a surface that is designed and at all times operated so that is free of cracks and gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed. All aboveground hazardous waste tanks shall be placed so that all the surface beneath each such tank can be inspected for spills and structural integrity.

o. The tank shall have a heavy protective coating of some rust-resisting material.

p. All tanks and associated piping shall be installed by a qualified person. This shall include certified burner technicians as well as licensed petroleum system installers.

q. Waste oil tanks shall be tested by the manufacturer for tightness by being subjected to five pounds (5 lbs.) pressure, and shall have securely affixed thereto a metal tag certifying such test and which has legibly indicated thereon the maker's name.

r. The head of the fire department may allow for alternative means of compliance provided the design is satisfactory and complies with the intent of this and other applicable regulations.

. Permanent Storage Inside a Building

. Shall be limited to five hundred (500) gallons capacity.

. Shall require a permit to install, maintain, store from the head of the fire department.

. Shall be located at least five feet (5') from exits. Overhead garage doors shall not be considered exits.

. Shall have a drip pan or accidental spill containment at the discretion of the head of the fire department. The drip pan or spill containment is for minor spills and shall not be considered a dike. No containment diking is required.

. The tank, based upon the occupancy of the building, shall be protected against damage from vehicular traffic. The type of protection shall be steel posts, I-beams, or similar protection at the discretion of the head of the fire department.

. The tank shall be vented to the outside of the building.

. Vents shall be a minimum of 1¼" in diameter. Vents shall terminate not less that twelve feet (12') above the adjacent ground level and shall be so located that vapors will not be trapped by eaves or other obstructions and shall be at least five feet (5') from any building opening.

. The tank fill shall be located on the top of the tank and be a minimum of 1½ inches in diameter.

.. The tank fill shall be a funnel-type hopper fill large enough to prevent dripping and spillage when filling. The funnel-type hopper shall have a tight-fitting hinged or chained cap which shall be closed when not in use.

). The port used for pumping out the tank shall be located on the top of the tank. The fill and the port used for pumping out shall not be the same port.

c. The support for waste oil tanks shall be of noncombustible material and capable of supporting the superimposed load; and the tank shall be secured against settling, sliding or lifting.

l. All tanks shall be UL-listed and shall conform to the design criteria in 527 CMR 9.00.

n. Each tank in which hazardous waste is being accumulated shall be clearly marked and labeled throughout the period of accumulation with the following:

1. The words "HAZARDOUS WASTE".
2. The hazardous waste identified in words (e.g., WASTE OIL).
3. The type hazard associated with the waste indicated in words (e.g., TOXIC).
4. The date on which each period of accumulation begins, marked on each tank at the time accumulation begins in that tank.

NOTE: Marks and labels shall be placed on the sides of each tank in such a manner that they are clearly visible for inspection.

Underlying all aboveground tanks in which hazardous waste is accumulated shall be a surface that is designed and at all times operated so that it is free of cracks and gaps and is sufficiently impervious to contain leaks and spills until the collection material is detected and removed. All aboveground hazardous waste tanks shall be placed so that all the surface beneath each such tank can be inspected for spills and structural integrity.

The tank shall have a heavy protective coating of some rust-resisting material.

All tanks and associated piping shall be installed by a qualified person. This shall include certified burner technicians as well as licensed petroleum system installers.

Waste oil tanks shall be tested by the manufacturer for tightness by being subjected to five pounds (5 lbs.) pressure, and shall have securely affixed thereto a metal tag certifying such test and which has legibly indicated thereon the maker's name.

The head of the fire department may allow for alternative means of compliance provided the design is satisfactory and complies with the intent of this and other applicable regulations.

Removable Storage Inside a Building

Shall be limited to 165 gallon capacity.

Shall require a permit to install, maintain, and store from the head of the fire department.

Shall be located as far as possible from exits. Overhad garage doors shall not be considered exits.

Shall have a drip pan or accidental spill containment at the discretion of the head of the fire department. The drip pan or spill containment shall not be considered a dike. No containment diking is required.

The container(s), based upon the occupancy of the building, shall be protected against damage from vehicular traffic. The type protection shall be steel posts, I-beams, or similar protection at the discretion of the head of the fire department.

A funnel-type hopper fill large enough to prevent dripping and spillage when filling shall be on site and used during filling procedures.

At the discretion of the head of the fire department, emergency relief venting shall be installed on all containers.

When not in use, the container(s) shall be capped vapor tight.

. Each tank in which hazardous waste is being accumulated shall be clearly marked and labeled throughout the period of accumulation with the following:

1. The words "HAZARDOUS WASTE".
2. The hazardous waste identified in words (e.g., WASTE OIL).
3. The type hazard associated with the waste indicated in words (e.g., TOXIC).
4. The date on which each period of accumulation begins in that tank.

NOTE: Marks and labels shall be placed on the sides of each tank in such a manner that they are clearly visible for inspection.

. Underlying all aboveground tanks in which hazardous waste is accumulated shall be a surface that is designed and at all times operated so that it is free of cracks and gaps and is sufficiently impervious to contain leaks and spills until the collection material is detected and removed. All aboveground hazardous waste tanks shall be placed so that the surface beneath each such tank can be inspected for spills and structural integrity.

:. The location of the removable container(s) shall be specified by the head of the fire department.

.. The head of the fire department may allow for alternative means of compliance provided the design is satisfactory and complies with the intent of this and other applicable regulations.

Automotive Lubrication Service Centers

.. The following applies to the storage of flammable fluids within an automotive lubrication service center when the storage is to be in tanks installed aboveground. When the quantities to be stored are in excess of five hundred (500) gallons aggregate, the following rules shall apply.

a. The aggregate capacity of all aboveground storage tanks shall be limited to a maximum of six thousand (6,000) gallons.

b. No individual tank shall have a capacity in excess of one thousand (1,000) gallons.

c. The maximum amount of waste oil storage on the site shall be two thousand (2,000) gallons aggregate.

d. A license shall be required in accordance with M.G.L. c. 148, s. 13.

e. A permit to install, maintain, store shall be obtained from the head of the fire department.

f. The tanks shall be located in a separate room (known as the storage room) from the main work area by a two-hour fire-rated concrete block wall or other acceptable separation.

. The storage room shall be equipped with a fixed fire suppression system designed and installed in accordance with NFPA 17.

.. The entrance to the storage room shall have a threshold a minimum of twelve inches (12") high with a two-hour fire-rated door closed when not in use.

.. The storage room shall be large enough to act as a containment dike capable of containing one hundred ten percent (110%) of the largest tank capacity plus ten percent (10%) of the aggregate amount of all other tanks.

j. All tanks shall be vented to the outside of the building. Waste oil tank vents shall be a minimum of 1¼ inches in diameter and shall terminate not less than twelve feet (12') above the adjacent ground level and shall be so located that vapors will not be trapped by eaves or other obstructions and shall be at least five feet (5') from any building opening.

k. The support for the tank(s) shall be of noncombustible material and capable of supporting the superimposed load; and the tank shall be secured against settling, sliding or lifting.

l. All tanks shall have a heavy protective coating of some rust-resisting material. All tanks should be UL-listed and shall conform to the design criteria in 527 CMR 9.00.

n. All tanks shall be tested by the manufacturer for tightness by being subjected to five pounds (5 lbs.) pressure, and shall have securely affixed thereto a metal tag certifying such test and which has legibly indicated thereon the manufacturer's name.

o. All tanks and associated piping shall be installed by a qualified person.

p. Each tank in which hazardous waste is being accumulated shall be clearly marked and labeled throughout the period of accumulation with the following:

1. The words "HAZARDOUS WASTE".
2. The hazardous waste identified in words (e.g, WASTE OIL).
3. The type hazard associated with the waste indicated in words (e.g., TOXIC).
4. The date on which each period of accumulation begins, marked on each tank at the time accumulation begins in that tank.

NOTE: Marks and labels shall be placed on the sides of each tank in such a manner that they are clearly visible for inspection.

q. Underlying all aboveground tanks in which hazardous waste is accumulated shall be a surface that is designed and at all times operated so that it is free of cracks and gaps and is sufficiently impervious contain leaks and spills until the collection material is detected and removed. All aboveground hazardous waste tanks shall be placed so that all the surface beneath each such tank can be inspected for spills and structural integrity.

r. The waste oil tank(s) shall be equipped with a valve which will close when the tank has been filled to within ninety-five percent (95%) of its capacity to prevent further filling of the tank or shall be equipped with an audible high level alarm which shall sound when the tank(s) has been filled to within ninety-five percent (95%) of its capacity.

s. The basement shall be constructed entirely of noncombustibel materials, including storage racks and platforms.

t. The basement shall be provided with a mechanical ventilation system capable of providing a minimum of six air charges per hour with duct openings located not less than 6 inches nor more than 12 inches above the floor.

u. The basement area shall have proper means of egress in accordance with the Massachusetts State Building Code.

v. The oil and lube oil pumps and product delivery lines shall not be left under pressure when the lubrication center is not open for business unless a protective device is installed that will prevent continuous pumping of product in the event of a line or pipe rupture.

w. The head of the fire department may allow for alternative means of compliance provided the design is satisfactory and complies with the intent of this and other applicable regulations.

Any violation of this section shall be punishable by a fine of two hundred dollars ($200.00) for each offense. Each day that a violation continues shall constitute a separate offense.

Section 10 Rules and Regulations

The Fire Chief may make such rules and regulations not inconsistent with the provisions of this By-Law, as may be necessary to promulgate a comprehensive fire safety code.

Section 11 Administration

1. The provisions of this By-Law shall be enforced by the Fire Chief or his designee and the Fire Chief shall, in addition to any other remedy available, have full power to initiate non-criminal disposition proceedings as set forth in Article I General Provision, Section 2 of the General By-Laws.

2. Except for those sections specifying a greater penalty, any violation of the provisions of this Article shall be punished by a fine of $50.00, each day any violation continues shall constitute a separate offense.

Section 12 Severability

It is hereby declared that the provisions of this By-Law are severable, and if any provisions of this By-Law shall be declared unlawful by a valid judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining provisions of this By-Law.

UNDER ARTICLE 28 Selectman Dennis Ready moved to withdraw article. Town Manager Bernard Lynch explained due to there g no free cash at hand at this time, this article must be drawn. The Moderator asked for a show of hands, motion ied, unanimously.

Seeing that there was no further business at hand, the rator declared the Annual Town Meeting adjourned, sine die. Meeting adjourned at 10:25 PM.

nnis E. McHugh,
derator

Mary E. St.Hilaire,
Town Clerk

TOWN WARRANT FOR SPECIAL TOWN ELECTION

JUNE 4, 1991

COMMONWEALTH OF MASSACHUSETTS

DDLESEX, SS.

T the Constable of the Town of Chelmsford:

GEETING:

I the name of the Commonwealth you are hereby required to
tify and warn the Inhabitants of said Town who are qualified
t vote in Elections to vote at:

Precinct 1: Town Offices Gymnasium, 50 Billerica Road
Precinct 2: Harrington School Gymnasium, 120 Richardson Road
Precinct 3: Harrington School Gymnasium, 120 Richardson Road
Precinct 4: Westlands School Cafeteria, 170 Dalton Road
Precinct 5: Byam School Cafetorium, 25 Maple Road
Precinct 6: Westlands School Cafeteria, 170 Dalton Road
Precinct 7: McCarthy Middle School Small Gymnasium, 250 North
Road
Precinct 8: McCarthy Middle School Small Gymnasium, 250 North
Road
Precinct 9: Town Offices Gymnasium, 50 Billerica Road

O Tuesday, the fourth day of June, 1991, from 12:00 noon to
8:00 p.m. to vote on the following questions:

Question No. 1:

Shall the Town of Chelmsford be allowed to assess an
additional $950,000 in real estate taxes and personal property
taxes for the purpose of providing additional funds for public
education for the fiscal year beginning July first nineteen
hundred and ninety-one?

YES
NO

Question No. 2:

Shall the Town of Chelmsford be allowed to assess an
additional $150,000 in real estate taxes and personal property
taxes for the purpose of providing additional funds for Police
Department Salaries for the fiscal year beginning July first
nineteen hundred ninety-one?

YES
NO

Question No. 3:

Shall the Town of Chelmsford be allowed to assess an additional $307,000 in real estate and personal property taxes for the purpose of providing additional funds for Fire Department salaries for the fiscal year beginning July first nineteen hundred and ninety-one?

YES
NO

Question No. 4:

Shall the Town of Chelmsford be allowed to assess an additional $203,500 in real estate and personal property taxes for the purpose of providing additional funds for recycling services for the fiscal year beginning July first nineteen hundred and ninety-one?

YES
NO

Question No. 5:

Shall the Town of Chelmsford be allowed to assess an additional $96,665 in real estate and personal property taxes for the purpose of providing additional funds for library salaries ($66,176) and library expenses ($30,489) for the fiscal year beginning July first nineteen hundred and ninety-one?

YES
NO

ail not and make return of this warrant with your doings thereon

ime and place of said election.

der our hands this 9th day of May , A.D. 1991.

BOARD OF SELECTMEN OF TOWN OF CHELMSFORD

Dennis J. Ready, Chairman

William R. Logan, Vice Chairman

Richard E. DeFreitas, Clerk

Henrick R. Johnson, Jr.

Roger A. Blomgren

COMMONWEALTH OF MASSACHUSETTS

E, SS May 16, 1991

t to the within warrant, I have notified and warned the
a ts of the Town of Chelmsford by posting up attested
o same at the following places, to wit:
f ce Building Gym, Harrington School Gymnasium, Harrington
G mnasium, Westland School Cafeteria, Byam School
i m, Westland School Cafeteria, McCarthy Middle School
y nasium, McCarthy Middle School Small Gymnasium, and Town
B ilding Gym, and Town Office Building Lobby.

Signed:

William E. Spence,
Constable

Copy Attest, William E. Spence
William E. Spence, Constable

SPECIAL TOWN ELECTION JUNE 4, 1991

QUESTION 1 (SCHOOL)	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
BLANKS	5	12	6	14	4	11	9	6	5	72
YES	566	504	802	517	776	741	804	564	734	6008
NO	502	508	465	541	478	571	489	512	483	4549
TOTAL	1073	1024	1273	1072	1258	1323	1302	1082	1222	10629
QUESTION 2 (POLICE)										
BLANKS	14	7	17	10	10	16	21	15	16	126
YES	442	415	621	430	577	583	627	431	537	4663
NO	617	602	635	632	671	724	654	636	669	5840
TOTAL	1073	1024	1273	1072	1258	1323	1302	636	1222	10629
QUESTION 3 (FIRE)										
BLANKS	20	8	15	11	12	22	23	12	13	136
YES	456	411	693	420	555	577	655	440	537	4744
NO	597	605	565	641	691	724	624	630	672	5749
TOTAL	1073	1024	1273	1072	1258	1323	1302	1082	1222	10629
QUESTION 4 (RECYCLING)										
BLANKS	16	16	16	15	14	13	22	12	16	140
YES	454	336	625	361	612	615	640	399	580	4622
NO	603	672	632	696	632	695	640	671	626	5867
TOTAL	1073	1024	1273	1072	1258	1323	1302	1082	1222	10629
QUESITON 5 (LIBRARY)										
BLANKS	11	11	9	13	10	15	12	10	14	105
YES	487	451	704	414	667	651	696	458	640	5168
NO	575	562	560	645	581	657	594	614	568	5356
TOTAL	1073	1024	1273	1072	1258	1323	1302	1082	1222	10629

WARRANT FOR THE ANNUAL TOWN MEETING
(FALL SESSION)
OCTOBER 21, 1991

IIDDLESEX, SS.

To the constable, or any other suitable person of the own of Chelmsford:

ireetings:

In the name of the Commonwealth aforesaid, you are ereby requested to notify and warn the town meeting epresentatives of said Chelmsford to meet in the Parker chool Cafetorium on Monday, the twenty-first day of ctober, at 7:30 p.m. o'clock in the evening, then and here to act upon the following Articles, VIZ:

rticle 1. To hear reports of the Town Officers and ommittees; or act in relation thereto.

Board of Selectmen

rticle 2. To see if the Town will vote to amend the eneral By-Laws, Article II - Town Meeting, in the ollowing manner:

Section 4 shall be amended by adding the following ections:

"4.10 NOTICE - Dates and times proposed for continuance of the town meeting shall be announced when the warrant is posted.

4.11 END OF SESSION - No warrant article may be introduced for consideration after 11:00 p.m. without a majority vote of town meeting representatives present and voting to allow such consideration.

4.12 LOBBYING - Distribution of material and lobbying on warrant articles or issues not related to warrant articles being considered at that town meeting will be prohibited within an area of 100 feet outside the entrance to the building housing the meeting. An area will be established inside the building but outside meeting place where one individual from each group supporting or opposing an issue may distribute material or discuss the issue. Handout material should be dated and signed by the organization or individuals preparing the material.

4.13 VOTING - Voice votes will not be used. All votes will be taken by a raising of hands. The Moderator will visually judge the vote and, if in doubt, will ask for a specific count.

4.14 PRESENTATION -

a) When town property or assets are to be purchased or sold, the name of the purchaser or seller, if known, must be disclosed by the sponsor.

b) The sponsor of any warrant article shall speak initially to explain the article.

c) Zoning By-Law presentations by the sponsor must show a map denoting the existing zoning and the proposed changed zoning, including definitions of zones and explanations of changes.

d) All sponsors of By-Law changes must show the language of the existing By-Law and the language of the change and an explanation of the change in the presentation.

e) All financial articles must be presented showing the following: Dollars for the past two years and the current year; proposed budget dollars; and the revenue generated by the department requesting the budget.

f) Visual aids used in any presentation must be large enough to be viewed from the back of the hall or handouts shall be distributed.

g) The Moderator will allow a question-and-answer period of the sponsor of an article to gather factual information or understanding of the article. Debate of the article is not allowed during this time.

4.15 RECOMMENDATIONS - The Selectmen or Finance Committee shall have an opportunity to state their position on each article and are encouraged to state their reasons for their position. The Finance Committee is not required to speak on a non-financial article.

4.16 RULES OF DECORUM - The Moderator may distribute additional rules of debate or decorum not controverting any by-law or statute to help guide debate of issues before the Town Meeting.

4.17 ROLL CALL BALLOT - A main motion on any article shall be voted upon by roll call ballot if forty (40) town meeting representatives so vote at the end of debate of

:hat main motion and before a motion under the next
irticle."

or act in relation thereto.

MODERATOR

Article 3. To see if the Town will vote to amend the General By-Laws Article II Town Meeting Section 3 Time of Meetings by adding the following:

"Adjourned sessions of any Town Meeting shall be scheduled for only a Monday or Thursday and any motion to adjourn to a date certain other than a Monday or Thursday shall be deemed out of order."

; or act in relation thereto.

Board of Selectmen

Article 4. To see if the Town will vote to reject the provisions of Section 231 of Chapter 138 of the Acts of 1991 and the fifth sentence of Section 40 of Chapter 71 as amended by said Act, which would change the allocation between fiscal years of expenditures of teachers salaries; or act in relation thereto.

School Committee

Article 5. To see if the Town will vote to amend the General By-Laws Article IV Financial Regulations by adding Section 5 as follows:

Section 5. Elimination of Stipends - All Stipends paid to persons in the service of the Town shall be eliminated whether such person is employed, appointed, or elected by popular vote; provided, however, that this paragraph shall not apply to stipends established for such persons pursuant to collective bargaining agreement under Chapter 150E of the General Laws or to full-time employees.

All such persons who work more than twenty hours per eek in the service of the Town or who were elected by opular vote, prior to the enactment of this By-Law, may emain eligible to receive a stipend until the termination f their employment or the expiration of their current term f appointment or current term of office.

or act in relation thereto.

Finance Committee

rticle 6. To see if the Town will vote to reduce the inance Committee Reserve Fund established under Article 10 f the Annual Town Meeting of April 29, 1991 by a certain um of money or $50,000; or act in relation thereto.

Town Manager

rticle 7. To see if the Town will vote to raise and ppropriate or transfer and appropriate from available unds a certain sum of money with which to reimburse the ollowing customers of Yankee Disposal Company for the pecified amount of money which was paid by said ndividuals to Yankee Disposal Company for trash services.

lame	Address	Amount
onna Morgan	82 Middlesex Street	$35
oseph Czechowski	16 First Street	35
onald T. Bator	151 Middlesex Street	35
laudette/Patty Duggan	7 Church Street	35
atthew J. Falcone	6 Frank Street	35
rene J. Sigvardson	9 Frank Street	35
rancis G. Cummings	145 Old Westford Road	35
ichard M. Ring	37 Charlemont Court	35
ederick Zaher	36 Charlemont Court	35
yung G. Kim	25 Charlemont Court	35
avid Dunn	60 Willis Drive	35
hitey Morris	163 Groton Road	35
ohn J. Guilmette	30 Ledge Road	35
arl Guilmette	47 Ledge Road	35
andra Zimmerman	8 Tremont Road	35
rs. William Knight	29 Stonehill Road	35
avid J. Laurin	2 Oak Hill Road	35
eorge/Simone Guilmette	P.O. Box 129, Tyngsboro	35
ames/Susan Callahan	5 Pennsylvania Avenue	35
lbert J. Cicco	6 Longview Drive	35
lfred E. Ekberg	22 Bradford Road	35
obert Blau	23 Singlefoot Road	35

Name	Address	Amount
John J. Deely	3 McIntosh Road	35
Robert Carosso	18 Warren Avenue	35
Alfred A. Guilmette	60 Ledge Road	35
Mary T. Lichtenberg	9 Flint Street	35
John E. Morrison	38 Linwood Avenue	35
David L. Knowlan	9 Erlin Road	35
Daniel F. Sullivan	2 Manwell Road	35
Francis B. Simpson	7 Rainbow Avenue	35
Rebecca Collier	10 Colonial Drive	35
Robert D. MacLeod, Jr.	26 Steadman Street	35
David R. Huntley	28 Steadman Street	35
James J. Fox	142 Boston Road	35
Zdena Dedera	1 Laredo Drive	35
Richard F. Hubbard	7 McIntosh Road	35
Ruth Maguire	5 McIntosh Road	35
Jack Finley	63 Park Road	35
David Pattison	40 Elm Street	35
Alan Kent	72 High Street	35
Virginia A. Manley	53 Gorham Street	35
Joseph E. Garreau	8 Dakota Drive	35
Mikell A. Roscoe	5 Garland Drive	35
Scott A. Ivers	3 Drexel Drive	35
Denise Shaw	37 Abbott Lane	35
Joseph A. Locapo	251 Riverneck Road	35
Edward Killeen	252 Riverneck Road	35
Charles M. Hamblett	118 Park Road	35
George R. Brown	15 Westford Street	35
Helen P. Cogliano	47 Dalton Road	35
Paul Carven	89 Westford Street	35
Charles Plummer	5 Brentwood Road	35
Ada M. Faulkner	5 Montview Road	35
Andrew Wong	200 North Road	35
Helen Wojtkiewicz	3 Orchard Lane	35
James M. Spinney	96 Locke Road	35
Enid Rocha	15 Dakota Drive	35

; or act in relation thereto.

Petition

Article 8. To see if the Town will vote to reduce the amount of money raised and appropriated to defray Town charges for the fiscal period from July 1, 1991 to June 30, 1992 under Article 8 of the Annual Town Meeting of April 29, 1991 by the sum of $475,507.00 by reducing the following line items in the budget:

Line Item 33.	Undistributed Expenses	-303,206
Line Item 7.	Nashoba Valley Technical School	- 38,301
Line Item 6.	Chelmsford Public Schools	- 80,000

Line Item 1.	Municipal Administrative Expenses	- 4,250
Line Item 4.	Municipal Administrative Outlay	- 500
Line Item 8.	Public Safety Salary	- 29,000
Line Item 9.	Public Safety Expenses	- 500
Line Item 11.	Public Safety Outlay	- 3,000
Line Item 12.	Public Works Salary	- 9,000
Line Item 13.	Public Works Expense	- 7,000
Line Item 18.	Sewer Commission Expenses	- 1,250
Line Item 22.	Cemetery Commission Expenses	- 1,000
Line Item 25.	Community Services Salary	+ 7,500
Line Item 26.	Community Services Expenses	- 3,000
Line Item 30.	Library Expenses	- 3,000
	TOTAL	-475,507

; or act in relation thereto.

Town Manager

Article 9. To see if the Town will vote to raise and appropriate or transfer and appropriate from available funds the sum of $3,600.00 for the purpose of increasing line item 29 Library Salaries of the Fiscal Year 1992 Budget; or act in relation thereto.

Library Trustees

Article 10. To see if the Town will vote to grant the Chelmsford Housing Authority a Sewer Easement 20 feet in width across the site of the Chelmsford Senior Center for a distance of 420 feet along Groton Road and 140 feet along Sheila Avenue, all as shown on a plan available at the offices of the Chelmsford Housing Authority and Town Clerk; or act in relation thereto.

Chelmsford Housing Authority

Article 11. To see if the Town will vote to amend Article VIII Waste Disposal of the General By-Laws deleting Section 2 Separation of Trash and Section 3 Trash Disposal Recycling which read as follows:

SECTION 2 SEPARATION OF TRASH

All residents using the trash collection services shall bundle all newspaper, magazines, discarded mail, and other recyclable papers for separate pickup.

SECTION 3 TRASH DISPOSAL (RECYCLING)

In order to implement a program of recycling in conjunction with regular waste collections, residents of every household are requested to separate waste materials in the following categories before depositing same for collections:

1. Glass and cans
2. Paper
3. Other Waste

and substituting in their place the following:

Section 2 Separation of Trash (Recycling)

Residents of every household are required to separate recyclable waste materials from other waste materials. Such recyclable materials shall be placed in a "Chelmsford Recycles" recycling bin or other suitable container designated by the Board of Selectmen for recycling purposes. Such recyclable materials shall include but not be limited to: clear glass, brown glass, green glass, tin cans, aluminum cans, and newspapers.

The effective date of this by-law shall be July 1, 1992 for single, 2, 3, and 4 family households, and January 1, 1993 for multi-family residential complexes.

Section 3 Recycling User Fee

The Board of Selectmen shall be authorized to establish a users fee for recycling which shall be paid by each user. As a condition of any license granted by the Board of Health to a private hauler to collect residential trash within the Town of Chelmsford, the trash hauler licensee shall either: (1) provide recycling services to each of its residential customers in the Town of Chelmsford as provided in this By-Law, or (2) pay as part of their licensing fee to the Town of Chelmsford a sum equal to the established users fee for each customer serviced.

The effective date of this by-law shall be July 1, 1992 for single, 2, 3, and 4 family households, and January 1, 1993 for multi-family residential complexes.

; or act in relation thereto.

Solid Waste Advisory Committee

Article 12. To see if the Town will vote to amend the General By-Law Article VIII Waste Disposal by adding Section 8 as follows:

Section 8: Solid Waste, Recycling and Hazardous Waste Disposal Programs

8.1. The Town of Chelmsford shall continue its program of curbside pickup and disposal of solid household waste through the use of a private contractor or contractors.

8.2. The Town of Chelmsford shall continue a program that encourages all residents to recycle specified items.

8.3. The Town of Chelmsford shall continue its program for the disposal of household hazardous waste and related items.

8.4. Funding for the above programs shall be through the appropriation of funds by an Annual or Special Town Meeting and/or the establishment of an annual or other periodic user or subscriber fee or charge.

8.5. In the event that a user or subscriber fee or charge is established, said funds will be accounted for and maintained in a program specific "Enterprise Fund or Account." Such fund shall be administered by the Town Accountant in accordance with applicable state laws, rules and regulations, concerning this type of account.

8.6. No program shall significantly subsidize another program, except as follows:

A. Billing

In the event that an annual user or subscriber fee is established for household solid waste, the incidental cost of billing and payment processing for other programs shall be borne by the household solid waste program, provided that such billing and payment processing is included as part of the household solid waste programs billing and payment schedule.

B. Administration of Programs

In the event that an annual user or subscriber fee is established for household solid waste, the cost of administrating the various non-household solid waste programs shall be borne by the solid waste program.

In the event that the actual or projected costs of administering these other non-solid waste programs exceeds 20% of the total cost of administration, the Town shall either fund such excess amount through an increase in non-solid waste fees or other appropriation.

C. Equipment

Equipment used to administer, support, and manage the solid waste program may be utilized by other departments of the Town. Said use shall be under the direction of the Town Manager.

8.7. The Board of Health shall regulate and license trash haulers in accordance with state law. Said regulations shall provide for an annual or multi-year licensing period that runs concurrently with the annual user fee, if such a fee or charge is made.

8.8. The Town Manager shall be responsible for the establishment and overall management of the various programs provided for in this by-law. The Board of Health shall be responsible for providing overall direction and enforcement of those areas of any of the programs that are assigned to it by state law, local by-law, the Board of Selectmen, or the Town Manager.

8.9. The Town Manager shall, based upon information provided him by the Town Finance Director and Town Accountant, establish the annual or other periodic user fee and/or charges. The establishment of this fee and/or charge shall be made prior to the Annual Spring Town Meeting. The Town Manager shall, when presenting his budget to the Annual Spring Town Meeting, or any other Town meeting include in his budget a provision allowing for the appropriation of funds from general town funds for any of the programs included in this by-law. In the event that a Town Meeting shall

alter the method of funding a program included in this by-law, the Town Manager shall implement such changes and adjust any fees and/or other charges accordingly.

8.10. All user and other fees assessed and/or charged under the terms of this by-law shall be against the assessed owner of the property. In the event that a property owner shall fail to pay a fee or charge made under this by-law the Town Manager shall be authorized to suspend the service that has not been paid for. The Town Manager shall give the property owner 10 days notice by first class mail of the action to be taken. The Town Manager shall notify the Board of Health of the proposed action.

8.11. A property owner may elect to use an alternate trash hauler to comply with the terms of this by-law and requirements of the Board of Health for the disposal of household trash provided that the alternate trash hauler has been licensed by the Board of Health and appropriate documentation is provided to the Town Manager within 30 days of the start of the annual or other service period established by the Town Manager. In the event that a property owner fails to provide the appropriate documentation, it shall be presumed that the property owner is participating in the Town programs. The Town Manager shall have the authority to establish appropriate rules and regulations for the implementation of this provision and the apportionment of fees and/or charges based upon partial year use. The Town Manager shall be authorized to establish rules and regulations that allow for abatements and payment deferrals based upon hardship or other similar circumstances.

8.12. In the event that a property owner wishes to appeal a decision of the Town Manager, the Board of Selectmen, upon written request by the property owner, shall hear such appeal and modify the Town Manager's decision provided that such decision shall be based upon the terms of this by-law, applicable laws, rules and regulations as they pertain to the programs included in the by-law. An affirmative vote of 3 members of the Board of Selectmen shall be required to alter a decision of the Town Manager.

8.13. In the event that the programs shall be totally funded by general funds available to the Town and that no user fee or other charge shall be required in a given fiscal year, the nonfinancial assets of the program shall be given to the Town at no cost or charge. Any surplus of funds in the "Enterprise Account" shall be returned to the users as a credit against their real estate taxes and/or other fees and betterments by the Town Treasurer.

8.14. Interpretation and implementation of the terms of this by-law shall be made by the Town Manager. This bylaw shall go into effect at the earliest date permissable by applicable state law. All funds collected for the current year's programs shall be handled in accordance with the provisions of this by-law.

8.15. The Town Manager shall within 120 days of the adoption of this by-law prepare and make available the rules and regulations implementing the various programs included in this by-law.

Petition

Article 13. To see if the Town will vote to amend the Zone Map and the Zoning By-Laws of the Town of Chelmsford as follows:

The Zoning Map and accompanying ordinance passed and as most recently amended entitled "Zoning By-Laws of the Town of Chelmsford" is hereby amended by establishing new lines and striking out the designation "Open Space" (OS) District, as shown on said zone map, and substituting in place thereof new lines and designation "Public" (P) District, insofar as said zone map related to the following described premises:

A certain parcel of land in Chelmsford, County of Middlesex, Commonwealth of Massachusetts, situated on the westerly side of Swain Road and bounded and described as follows:

Beginning at a stone bound on the westerly side of Swain Road, 162.10 feet northerly of a bound at the corner of Kelshill Road and at the corner of the land owned by the Town of Chelmsford;

Thence North 51 degrees, 42 minutes, 4 seconds West, 408.95 feet along land of the Town of Chelmsford to a stone bound.

Thence North 41 degrees, 21 minutes, 7 seconds East, 236.00 feet through land of the Lowell Sportsmen's Club to a stone bound;

Thence South 49 degrees, 29 minutes, 45 seconds East, 299.80 feet through land of the said Lowell Sportmen's Club to a stone bound at Swain Road;

Thence southerly along Swain Road by two courses, 97.00 feet and 135.45 feet to the point of beginning.

Said parcel contains 1.72 acres and is shown on a plan of land dated July 22, 1991; Scale 1 inch=40 feet, McGlinchey & Associates, Inc. to be recorded at the Middlesex North District Registry of Deeds and being a portion of land conveyed to Lowell Sportsmen's Club by deed of Harold H. Peterson dated January 10, 1949 recorded at Middlesex North District Registry of Deeds at Book 1166, Page 271.

; or act in relation thereto.

Petition

Article 14. To see if the Town will vote to amend the Charter under Part VI, section 6-2 by deleting the following:

The proposed budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the Town Manager deems desirable.

And add the following to the end of Part VI, section 6-2:

The proposed budget shall provide a complete fiscal plan of all town funds and activities. The budget shall list each department separately. The categories Salary, Expense, Out of State, and Outlay shall be listed for each department. The Town Manager may add additional categories as deemed necessary. Each listed category shall have its own number. Each listed category shall be a separate line item.

; or act in relation thereto.

Petition

Article 15. To see if the Town will vote to petition the residents of Chelmsford to amend the following Massachusetts General Laws, pertaining to Civil Service Law Chapter 31, Section 39.

If permanent employees in positions having the same title in a department unit are to be separated from such positions because of lack of work or money or abolition of positions, they shall, except as hereinafter provided, be separated from employment according to their seniority, so that employees senior in length of service, computed in accordance with section thirty-three, shall be retained the longest and reinstated first. Employees separated from positions under this section shall be reinstated prior to the appointment of any other applicants to fill such positions or similar positions, provided that the right to such reinstatement shall lapse at the end of the five-year period following the date of such separation.

Amended the law would read:

If permanent employees in positions having the same title in a department unit are to be separated from such positions because of lack of work or money or abolition of positions, they shall, except as hereinafter provided, be separated from employment according to their seniority in such unit and shall be reinstated in the unit and the same positions or positions similar to those formerly held by them according to such seniority, so that employees senior in length of service, computed in accordance with section thirty-three, shall be retained the longest and reinstated first. Employees separated from positions under this section shall be reinstated prior to the appointment of any other applicants to fill such positions or similar positions, provided that the right to such reinstatement shall lapse at the end of the ten-year period following the date of such separation.

; or act in relation thereto.

Petition

Article 16. To see if the Town will vote to amend the existing Town of Chelmsford Zoning Map by removing the following described property consisting of 28.5 acres of land with buildings thereon from Neighborhood Commercial District (CA) and Limited Industrial District (IA) and placing said property in a Shopping Center District (CC):

A certain parcel of land located on the Southerly side of Chelmsford Street and shown as "Proposed CC (Shopping Center District) Zone 28.5 acres" on a plan of land

entitled "Proposed Rezoning CC - Shopping Center Scale 1"=100', Date December 19, 1990, Chelmsford Street, Chelmsford, Mass, prepared for Altid Enterprises 17 Monsignor O'Brien Highway, Cambridge, MA 02141" by Landtech Consultants, Inc. and being more particularly described as follows:

Commencing at a point lying along the southerly R.O.W. Line of Chelmsford Road (Rt. 110), being a State Highway as laid out July 16, 1903 by the Massachusetts Highway Commission; said point being a stone bound and the "Point of Beginning" of the herein described parcel of land; thence running along said southerly R.O.W. Line in a Southwesterly direction in 3 courses being; S82-17-00W 844.61 feet to a point being a circular curve concave to the left with an arc length of 236.20 feet and radius of 656.80 feet to a point; thence S61-36-00W, 271.1 feet to a point lying at the intersection of said Southerly R.O.W. Line and the Easterly property line of a parcel of land owned by now or formerly of the Lerer Investment Trust; thence running Southerly along said Easterly property line S39-27-02E 113.4 feet to a point being the Southeasterly corner of said Lerer Investment Trust property; thence S62-47-33W 13.44 feet along said Lerer Investment Trust Southerly property line to a point lying parallel and 50 feet East of the Easterly R.O.W. Line of Manahan Street, being a 40' wide public way; thence S39-27-02E 901.1 feet, along said parallel line of the Easterly R.O.W. line, to a point lying at the intersection of the Southerly R.O.W. line of land now or formerly of the New York New Haven Railroad Co., thence along said railroad R.O.W. line N68-17-04E 354.84 feet to a point lying at the intersetion of said Southerly Railroad R.O.W. line and the Northwesterly corner of land now or formerly of Raymond Carye, being shown as Lot 4D on a plan of land prepared for Carex Realty Trust dated January 23, 1989; thence running along the Westerly lot line of said Lot 4D, S21-42-56E 170.00 feet, to a point being the Southwesterly lot corner of Lot 4D and the Northwestern corner of Lot 5A as shown on the herein referenced plan; thence running along the common property line of Lot 4D and 5A as referenced herein N73-14-24E 250.00 feet and S45-47-33E 85.87 feet to the point lying at the center line intersection of Katrina Road, a 50' wide public way, and the extension of said property line as shown on the herein referenced plan; thence running along the center line of said Katrina Road being a curve concave to the right having an arc length of 277.86 feet and a radius of 665.00 feet to a point; thence N52-20-29E 392.2 feet to a point lying at the center line intersection of said Katrina Road and the Westerly R.O.W. Line of Glen Avenue, a public 40' R.O.W.; thence running in a Northerly direction along said Westerly Glen Avenue R.O.W. in 2 courses being, N36-52-48W 217.6 feet to an angle point; thence N03-44-12E, 521.2 feet to a point lying at the intersection of said Glen Avenue Westerly R.O.W. line and

the Southerly R.O.W. line of said Chelmsford Road, (Rte. 110); thence S86-36-00W 420.6 feet along said Chelmsford Road (Rte. 110) Southerly R.O.W. Line the the "Point of Beginning."

Said parcel being a proposed "CC" Zone District containing an area of 32.46 ± acres and being a portion of a CA (Neighborhood Commercial) CC (Shopping Center District) and IA (Limited Industrial) zone as shown on the Town of Chelmsford Zoning Map.

; or act in relation thereto.

Petition

ARTICLE 17. To see if the Town will vote to amend the Zoning By-Laws Article VI Special Regulations, Section 4100 Accessory Uses and Structures, by adding a new subsection 4194, as follows:

4194. Amateur Radio Antennae and Support Structures. Noting in these Zoning By-Laws shall be construed to limit the height of tall structures if their use is primarily in the non-commercial Amateur Radio Services as defined in Public Law 97.259 (the Communications Amendments Act of 1982), provided that any such tall structure is no nearer to the lot line than its height, or if located nearer to the lot line, that in the opinion of the Inspector of Buildings there is no significant danger that any part the structure could fall outside of the lot line. Height of such a tall structure shall be measured from its base, if freestanding, or from the highest point at which it is attached to another structure.

; or act in relation thereto.

Petition

Article 18. To see if the Town will vote to raise and appropriate or transfer and appropriate from available funds, a certain sum of money with which to maintain a separate full time veteran's agent for the Town of Chelmsford; or act in relation thereto.

Petition

Article 19. To see if the Town will vote to amend the General By-Laws Article VII Miscellaneous Section 5. License Fees by deleting the fourth paragraph which reads as follows:

All fees shall be increased by Five Dollars ($5.00) on the first day of the second month following the required licensing period, as outlined in Section 3 (a) of this By-Law, and by an additional Five Dollars ($5.00) on the first day of each succeeding month.

and substitute in its place the following:

All fees shall be increased by Five Dollars ($5.00) on the first day of the second month following the required licensing period, as outlined in Section 3 (a) of this By-Law, and by an additional Five Dollars ($5.00) on the first day of each succeeding month up to June 30th each year.

; or act in relation thereto.

Town Clerk

f ail not and make return of this warrant with your doings thereon
e ime and place of said meeting.
u der our hands this 23 day of September , A.D. 1991.

BOARD OF SELECTMEN OF TOWN OF CHELMSFORD

Dennis J. Ready, Chairman

William R. Logan, Vice Chairman

Richard E. DeFreitas, Clerk

Henrick R. Johnson, Jr.

Roger A. Blomgren

COMMONWEALTH OF MASSACHUSETTS

ESEX, SS Sept 24,1991

ant to the within warrant, I have notified and warned the
itants of the Town of Chelmsford by posting up attested
s of same at the following places, to wit:
Office Building Gym, Harrington School Gymnasium, Harrington
Gymnasium, Westland School Cafeteria, Byam School
orium, Westland School Cafeteria, McCarthy Middle School
Gymnasium, McCarthy Middle School Small Gymnasium, and Town
Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence,
Constable

A true copy Attest, William E. Spence

William E. Spence, Constable

(FALL) ANNUAL TOWN MEETING
October 21, 1991

The Annual Town Meeting was called to order at 7:35 PM at the Parker School Cafetorium, by the Moderator Dennis E. McHugh. There were 146 Representative Town Meeting Members present.

Selectman Dennis J. Ready moved that the reading of Constable's return of service and posting of the warrant be waived. The Moderator asked for a show of hands, it was so voted unanimously.

Selectman Dennis J. Ready moved that the reading of the entire warrant be waived. The Moderator asked for a show of hands, it was so voted unanimously.

The Moderator asked for a vote from the Town Meeting Representatives to allow non-residents speak from time to time, Bernard Meyler Town Accountant, Mary Mahoney, Director of the Library, and a Representative from Weston and Sampson. The Moderator asked for a show of hands, it was so voted unanimously.

The Moderator went over the Town Meeting procedures. He asked the Representatives to write down any comments about the meeting set up and location, and give them to him at the end of the meeting for review.

UNDER ARTICLE 1 Selectman Dennis J. Ready moved that the Town vote to hear reports of the Town Officers and Committees.

John Emerson of the Sewer Commission gave a progress report on the ongoing sewer project. So far 49% of the Town has been done. There is approximately 31% left to do. Once completed there will be a total number of 6,802 businesses and homes done.

The Moderator made a point of order. Due to the next article being his, he stepped down as the Moderator and appointed James Harrington, Town Counsel as the Acting Moderator. The Town Clerk Mary St.Hilaire, swore in James Harrington as the Acting Moderator, and the meeting continued.

UNDER ARTICLE 2 Selectmen Dennis J. Ready, moved to waive the reading of this article. The Acting Moderator asked for a show of hands, it was so voted unanimously.

Dennis McHugh proceeded to explain the intent of the article. A Rules Committee had been formed due to the passage of an article at the Town Meeting of October 1, 1990. The Committee reviewed the procedures and format used during Town Meeting, and reported back to the Moderator via the Town Meeting in April of 1991. The Moderator explained that he would take their recommendations under advisement and present back to the Town Meeting Representatives an article which could be discussed and voted on. This article before the body tonight is the result of his findings. He went through the

rticle explaining each section. A discussion took place. he Board of Selectmen and the Finance Committee were in avor of the article. A number of questions were asked oncerning section 4.17 Roll Call Ballot. Cheryl Warshafsky oved to amend the article to read 20 Town Meeting epresentatives instead of 40 Town Meeting Representatives. he explained that she felt the Representatives should be eld accountable for their votes, and it should be a lesser umber needed in order to accomplish a roll call. Bernard eady, who was a member of the Committee explained that this ection had caused a great amount of discussion among the ommittee Members. Some didn't want to have a roll call at ll, while others didn't want to make it too easy or else it ould delay the Town Meeting process. A compromise was made nd the number 40 was agreed upon. The Board of Selectmen nd the Finance Committee were not in favor of the motion he Acting Moderator asked for a show of hands on the motion o amend, motion defeated.
lore discussion took place. Jonathan A. Stevens moved to elete section 4.17 in its entirety. He felt that there was o need for a roll call vote. The Finance Committee and the oard of Selectmen were not in favor of the motion to delete. avid McLachlan, past Chairman of the Rules Committee again xplained the amount of discussion and debate that took place etween the committee members over the accountability issue, nd asked for defeat of this motion and to support the rticle as presented. Dean Carmeris questioned how would the oll call vote be handled. Dennis McHugh explained that the Representatives's names would be read, their vote recorded nd then repeated by the Town Clerk. This process would ecome part of the minutes of that particular meeting. Cheryl arshafsky spoke against the motion to delete this section, she felt that accountability is needed. The Acting Moderator sked for a show of hands on the motion to delete section 4.17. Motion defeated. He then asked for a vote on the rticle by a show of hands, motion carried. The article eads as follows:

Selectman Dennis Ready moved that the town vote to amend he General By-Law, Article II -Town Meeting, in the following manner: Section 4 shall be amended by adding the following sections:

4.10 NOTICE - Dates and times proposed for continuance of the town meeting shall be announced when the warrant is posted.

4.11 END OF SESSION - No warrant article may be introduced for consideration after 11:00 p.m. without a majority vote of town meeting representatives present and voting to allow such consideration.

4.12 LOBBYING - Distribution of material and lobbying on warrant articles or issues not related to warrant articles being considered at that town meeting will be prohibited within an area of 100 feet outside the entrance to the building housing the meeting. An area will be established inside the building but outside the meeting place where one individual from each group supporting or opposing an issue may distribute material or discuss the issue. Handout material should be dated and signed by the organization or

individuals preparing the material.

4.13 VOTING - Voice votes will not be used. All votes will be taken by a raising of hands. The Moderator will visually judge the vote and, if in doubt, will ask for a specific count.

4.14 PRESENTATION

a) When town property or assets are to be purchased or sold, the name of the purchase or seller, if known, must be disclosed by the sponsor.

b) The sponsor of any warrant article shall speak initially to explain the article.

c) Zoning By-law presentations by the sponsor must show a map denoting the existing zoning and the proposed changed zoning, including definitions of zones and explanations of changes.

d) All sponsors of by-law changes must show the language of the existing by-law and the language of the change and an explanations of the change in the presentation.

e) All recurring operating budget articles regularly presented at the Spring Annual Town Meeting to defray Town Expenses for the upcoming fiscal year must be presented showing the following: Dollars budgeted and expended for the last two years and for the current year; proposed budget dollars: and the revenue generated by the department requesting the budget.

f) Visual aids used in any presentation must be large enough to be viewed from the back of the hall or handouts shall be distributed.

g) The Moderator will allow a question-and-answer period of the sponsor of an article to gather factual information or understanding of the article. Debate of the article is not allowed during this time.

4.15 RECOMMENDATIONS - The Selectmen or Finance Committee shall have an opportunity to state their position on each article and are encouraged to state their reasons for their position. The Finance Committee is not required to speak on a non-financial article.

4.16 RULES OF DECORUM - The Moderator may distribute additional rules of debate or decorum not controverting any by-law or statute to help guide debate of issues before the Town Meeting.

4.17 ROLL CALL BALLOT - A main motion on any article shall be voted upon by roll call ballot if forty (40) town meeting representatives so vote at the end of debate of that main motion and before a motion under the next article.

Dennis McHugh resumed his position o Modertor.

UNDER ARTICLE 3 A discussion took place concerning the choice of Monday and Thursday nights. The Finance Committee felt that the Town Meeting Body shouldn't be locked into a particular schedule as a by-law. If there was a need to continue Town Meeting to Tuesday for whatever the reasoning, that would be impossible according to the wording, therefore they are against the article. Selectman Roger Blomgren spoke in favor of the article, he felt it would eliminate debate and be easier for people to attend when set nights are established. John Conrad spoke against the article. Paul Gleason was in favor of having an advance schedule as mentioned in the previous article, however he felt that the wording should be changed to reflect an allowance of a vote needed to change the night if necessary. He moved to amend the article by deleting the wording after the first Thursday and adding, "unless an alternate date is approved by a majority vote of Town Meeting Representatives." The Finance Committee was in favor of the motion to amend. Selectman Dennis Ready was in favor but felt that a 2/3's vote should be required rather then a majority. A discussion took place. Dennis Ready moved to amend the motion to read 2/3's vote required instead of the word majority. The Finance committee supported the motion to amend. The Moderator attempted a vote by a show of hands, which left the chair in doubt. The following tellers were called to come forward and conduct an hand count. Peter Lawlor, Patricia Plank, Dorothy Frawley, Jean Horgan, Lucy Simonian. The Result was Yes 73 No 60. Motion carried to amend. The Moderator asked for a show of hands on the motion as amended. Motion carried. He then asked for a show of hands on the main motion as amended, motion carried. The article reads as follows:

Selectman Dennis Ready moved that the Town vote to amend the General By-laws Article II Town Meeting Section 3 Time of Meeting by adding the following:

Adjourned sessions of any Town Meeting shall be scheduled for only a Monday or Thursday unless an alternate date is approved by 2/3's vote of the Town Meeting Representatives present and voting.

UNDER ARTICLE 4 Wendy Marcks of the School Committee, moved to dismiss this article. She came forward and explained that a Town Meeting vote is no longer required. The Law now requires that the Board of Selectmen must vote by October 15 if the Town will accept the Teachers deferral plan. The Board of Selectmen accepted the School Committee's recommendation and did not vote in the plan. The Finance Committee and the Board of Selectmen support the motion to dismiss. The Moderator asked for a show of hands, motion carried, unanimously.

The Moderator asked Town Counsel James Harrington to come forward and preside over the meeting, during the next

rticle.

UNDER ARTICLE 5 Dwight Hayward of the Finance Committee xplained the purpose of the article. Stipends are paid to ertain elected and appointed officials. The Committee is ot concerned about the issue of paying stipends, but about he added benefits that a person is eligible for once he/she eceives the stipend. With the raising cost of health nsurance coverages for town employee's being so high, the ommittee questioned why should someone who works far less ours than the full or part time weekly employees be allowed ealth benefits. Also if an individual retires after ten ears of service the Town still must pay a reduced percentage f their health care costs. The Finance Committee asked for he Representatives support on the article. The majority of he Board of Selectmen were not in favor of the article. A engthy discussion took place. Dennis Ready spoke in favor f paying stipends. He felt that they are justified and ertain board's should receive stipends who presently don't. e explained that there are a lot of functions etc. that embers of the different boards must attend, because of the ffice they hold. The stipend received offsets these costs, hat otherwise would have to be absorbed. Wendy Marcks poke about allowing the individuals who receive or want to eceive health benefits be part of the Town's Group, but must ay 100% of the costs. The individual would still be paying ar less as a group member, rather than have to pay on an individual plan. The Town would save money and the individual would also save money. Barbara Ward acknowledged that it is expensive to be a volunteer, and many board members like herself and the rest of the School Committee do not receive any stipends. However, she feels that the town should grandfather those who presently receive a stipend, but not pay any future position or office holder. It should be an all or nothing allowance. Questions were asked on the total number of individuals involved. The Finance Committee said that there were sixteen individuals and three of them participate in the Town's health plan. It was asked if these individuals could be paid some other way but not be eligible for the health benefits. Town Manager Bernard Lynch explained that these people could be paid as an "expense" therefore not be qualified as employee, but its not recommended to do so. Philip Currier questioned the wording of the article. He felt that the third paragraph should use the word "shall" remain eligible ..... instead of the present wording of "may". He moved to amend the article to reflect the word shall. The Finance Committee and the Board of Selectmen were in favor of the motion to amend. The Acting Moderator asked for a show of hands, motion carried. More discussion took place. Robert Joyce moved to delete the second paragraph in its entirety and substitute "said by-law to take effect one year from the date of enactment". John Coppinger spoke against cutting anyone who presently is receiving insurance, but felt that more control should be done in the future. The Finance Committee was not in favor of the motion. The Board of Selectmen were not in favor of the motion. The Acting Moderator asked for a show of hands on the motion to amend. Motion defeated. Brad Emerson moved "To form a committee made up of one member from each precinct to investigate the stipend structure and the benefit laws to

ake a report and proposal to this body in concert with the inance Committee at the next annual town meeting". He then xplained his reasoning for the motion. He felt that the ssue raised certainly merited more study before any ecisions could be made. More discussion took place. Mark authier read a list of the positions that receive the tipends and gave examples of the duties that these positions o. He explained that most likely if the person charged for heir actual service to the town as an expense, it would far xceed the stipend amount. James Doukszewicz, Finance irector addressed the different issues brought forth. He xplained that presently there are four members of the health lan who receive stipends. The yearly cost is approximately 13,000-$14,000 per year. Currently there are no retired embers who had received stipends in the past on the plan. f in fact this article passes the individuals involved may ccording to federal law remain on the plan for two years. An ndividual could be paid as an expense. However, the state law will not allow individuals to be under the Town's plan nless they are receiving a salary or stipend. James Moriarty moved the question to stop any further debate. The cting Moderator asked for a show of hands, motion carried nanimously. The Acting Moderator then asked for a show of ands on the motion to form a committee. Motion carried. A umber of Representatives questioned the show of hands. The ellers came forward and conducted an actual hand count. Yes 33 No 42, motion carried.

Dennis McHugh resumed his position as Moderator, an the meeting continued.

UNDER ARTICLE 6 Town Manger Bernard Lynch, moved that the Town vote to reduce the Finance Committee Reserve Fund established under Article 10 of the Annual Town Meeting of April 20, 1991 by $50,000.

Bernard Lynch explained that the state aid portion to Chelmsford was reduced by $850,000. The Town must make up the difference. Therefore by reducing the reserve fund by this shown, and reducing specified departmental fixed costs as stated in under article 8, there would be no impact on the present services. The Town would have a balanced budget, and there would still be a reserve fund of $150,000. The Finance Committee was in favor of the article. The reserve fund was originally budget for $150,000 at the Annual Town Meeting in April. An additional $50,000 had been put aside in anticipation of insurance costs which ended up being lower. Brad Emerson moved the question to stop further debate. The Moderator asked for a show of hands, motion carried, unanimously. The Moderator asked for vote by a show of hands, motion carried.

UNDER ARTICLE 7 Selectman Dennis Ready moved to waive the reading of the motion under article 7. The Moderator asked for a show of hands, motion carried. John Morrison one of the petitioners, explained the article. People could make arrangements for trash pick up either through the town, which offered a tag and bag system, or through private haulers. All trash haulers are licensed by the Board of Health to be allowed to come into the town and pick up trash.

he Board of Health made up rules and regulations that set orth certain requirements for these haulers to adhere to. ankee Disposal could not meet the requirements set and went ut of business. There were a number of residents who had aid a fee and had a contract with this company to pick up heir trash. They tried numerous times to get in touch with r locate the owners of Yankee Disposal but to no avail. The onsumer Division could not offer any assistance with the atter. The residents then had to make other arrangements or trash pick up. The residents mentioned in the article elt that because they had paid $70.00 to join the Town's rash program, the Town should reimburse them half the cost ecause the Board of Health licensed Yankee Disposal to begin ith.

A Discussion followed. The Finance Committee was not in avor of the article. The Selectmen wanted to hear from the Board of Health and Town Manager before making any ecommendation. Bernard Lynch, Town Manager explained that hen the Town sent out notices to the residents about trash ick, it was noted that private arrangements could be made ith other haulers but that the town would not guarantee hese services. The town would only be responsible for its wn program offered. Mark Gauthier, member of the Board of Health stated that the Board of Health does indeed license trash haulers. However, the Board is not responsible for the haulers performance. The people listed entered into their own contract with Yankee Disposal. Donald Ayer moved to amend the article. To transfer the sum of $1,000 from the Finance Committee's reserve fund and the sum of $881.00 from Line Item 26 of the 1992 Fiscal Budget to purchase trash stickers to provide each person listed with thirty stickers. He felt that this was the fairest way to handle the situation. The Finance Committee was against the motion. They were not in favor of returning $35.00 to each person listed to begin with, as far as they were concerned this wasn't any different. They were still getting a refund. More discussion took place. Leonard Doolan moved the question to stop debate. The Moderator asked for a show of hands, motion carried unanimously. The Moderator asked for a show of hands on the article, motion defeated.

UNDER ARTICLE 8 Town Manager Bernard Lynch explained the article. As he mentioned in the discussion of article 6 due to the state aid cut back, the Town is forced to make up the difference. He then read the reduced budget figures and the departments that were affected.

He read the Non-Appropriated Expenses figure and explained that these are recap sheet figures that do not appear in the actual budget:

Non-Appropriated Expenses		
State Assessments	-$197,250	
State/County Other	- 12,910	
Assessments	Total	$210,160
Line Item 33. Undistributed Expenses		
Insurance	-$188,359	
County Retirement	- 14,847	

Unemployment	- 75,000	
Medicare Tax	- 25,000	
	Total	303,206

Line Item 7. Nashoba Valley Technical School 14,160 (he noted, original figure was 38,301 which was prior to rejecting the teachers deferral plan vote of Oct 15)
Line Item 6. Chelmsford Public Schools 80,000
Line Item 1. Municipal Administration Expenses

Executive Office	- 750	
Finance Dept.	- 2,500	
Town Clerk	- 1,000	
	Total	4,250

Line Item 4. Municipal Administration Outlay

Accounting		500

Line Item 8. Public Safety Salary

Police	- 16,000	
Fire	- 13,000	
	Total	29,000

Line Item 9. Public Safety Expenses

Inspections		500

Line Item 11. Public Safety Outlay

Fire		3,000

Line Item 12. Public Works Salary

DPW - Highway Division		9,000

Line Item 13. Public Works Expense

DPW - Engineer Division	-1,000	
DPW - Public Bldg Div	-1,000	
DPW - Sewer Division	-5,000	
	Total	7,000
Line Item 18. Sewer Comm. Expenses		1,250
Line Item 22. Cemetery Comm. Expenses		1,000
Line Item 26. Community Service Exp		3,000
Line Item 30. Library Expenses		3,000

Warrant Articles

Art 10 Finance Committee Reserve Fund		50,000
	TOTAL	743,167

Bernard Lynch further explained that the original anticipated figure of state cut in aid was $1.5 million. These figures impact only the operating budgets of the town some $132,000. Other savings made from other non departmental accounts. Resulted in no layoffs of personnel, no impact on services directly. This is a result of belt tightening and down sizing, it is a well balanced budget. The reorganization of combining the Veterans Agent with the Director Elder Service as mentioned at the April Town Meeting will not take place. After discussions with the Board of Selectmen and due to legal issues this full time position will be a reinstated with a salary of approximately $20,000. The Community Service Salary Account will be increased $7,500 and with the $2,500 already available the position will be funded beginning January 1 through June 30 of 1992. Hiring procedures will take place within the next few weeks.

The Finance Committee was in favor of the article and the figures presented by Bernard Lynch. The Board of Selectmen recommended the Town Managers figures. A question was asked on where the $80,000 cut in the School Budget came from.

uperintendent Dr Richard Moser explained due to obtaining ent and some additional grant money they are able to ake cuts in areas that would not effect the overall erformance of the School Department. The Moderator asked or a vote by way of a show of hands, motion carried. The rticle reads as follows:

Town Manager Bernard Lynch moved that the Town vote to educe the amount of money raised and appropriated to defray own charges for the fiscal period from July 1, 1991 to June 0, 1992 under article 8 of the Annual Town Meeting of April 9, 1991 by the sum of $451,366.00 by amending the following ine items in the budget:

ine Item 33.	Undistributed Expenses	-303,206
ine Item 7.	Nashoba Valley Technical School	-14,160
ine Item 6.	Chelmsford Public Schools	- 80,000
ine Item 1.	Municipal Administrative Exp	- 4,250
ine Item 4	Municipal Administrative Outlay	- 500
ine Item 8.	Public Safety Salary	- 29,000
ine Item 9.	Public Safety Expenses	- 500
ine Item 11.	Public Safety Outlay	- 3,000
ine Item 12.	Public Works Salary	- 9,000
ine Item 13.	Public Works Expense	- 7,000
ine Item 18.	Sewer Commission Expenses	- 1,250
ine Item 22.	Cemetery Commission Expenses	- 1,000
ine Item 25.	Community Services Salary	+ 7,500
ine Item 26.	Community Services Expenses	- 3,000
ine Item 30.	Library Expenses	- 3,000
	TOTAL	-451,366

UNDER ARTICLE 9 Library Trustee Elizabeth McCarthy moved to dismiss this article. The Moderator asked for a show of hands, motion carried.

UNDER ARTICLE 10 Chairman of the Housing Authority Ruth Delaney moved that the Town vote to grant the Chelmsford Housing Authority a sewer easement 20 feet in width across the site of the Chelmsford Senior Center for a distance of 420 feet along Groton Road and 140 feet along Sheila Avenue, all as shown on a plan available at the offices of the Chelmsford Housing Authority and Town Clerk.

Town Counsel James Harrington explained that this easement is necessary in order to allow the Housing Authority to tie into the sewer connection on Groton Road. This would allow the Housing Authority to provide sewer service for housing that will be constructed on their site. The Board of Selectmen and the Finance Committee recommend the article. The Moderator asked for vote by way of a show of hands, motion carried,unanimously.

Sue Olsen moved to adjourn the meeting until Monday evening October 28, 1991 at 7:30 PM at the Parker School Cafetorium.

The Moderator announced prior to accepting the motion to adjourn, that all Representatives arrive by 7:20 PM and sit

n their respected precincts and choose among themselves a
ember to sit on the proposed committee to review stipends
nd benefits. They will report their findings to him at
:30 PM as the first order of business. He then asked for a
how of hands on the motion to adjourn, motion carried.

The Meeting adjourned at 11:00 PM

Dennis E. McHugh,
Moderator

Mary E. St.Hilaire,
Town Clerk

ADJOURNED ANNUAL TOWN MEETING
October 28, 1991

The Town Meeting Representatives meet in their respective precincts at 7:20 PM, to choose one member from each precinct to sit on the committee to review stipends and benefits. The names were submitted to the Moderator prior to calling the meeting to order.

The Adjourned Annual Town Meeting was called to order at 7:35 PM at the Parker School Cafetorium, by the Moderator Dennis E. McHugh. There were 135 Representative Town Meeting Members present.

The Moderator read the list of names submitted to him to be on the Stipend, Benefit Review Committee. They are as follows:

Pct 1 Barry Balan, Pct 2 Sue Olsen, Pct 3 Kathleen Fitzpatrick, Pct 4 Beverly Koltookian, Pct 5 Dean Carmeris, Pct 6 Margaret Johnson, Pct 7 Mark Gauthier, Pct 8 Evelyn Bell, Pct 9 Charles Piper.

UNDER ARTICLE 11 Barbara Scavezze explained the purpose of the article. The Town's contract for trash pick-up must be renewed on July 1, 1992. Beginning January 1, 1993, The State will be banning the disposal of certain recyclables. This will be six months after the town renews it's contract. The purpose of this by-law is to be more of a policy by-law. Currently residents are already required to separate paper for recycling, in addition bottles and cans would have to be separated. This would update the current by-law to coincide with the present recycling program and to prepare for the future enforcement of state regulations. This would require the Board of Selectmen to decide on the different options regarding the collection of recycables.

A Lengthy discussion took place. Barry Balan asked what was the total number of households involved with the Town's program of recycling and trash pick up. Barbara Scavezze said that the estimated numbers were 5,000 in the volunteer recycling and 7,168 receiving trash pick up. A number of Representatives spoke against the article. The different members of the Solid Waste Committee spoke in favor and asked for support. The Finance Committee supported the article. The Board of Selectmen do not support the article. Edward Hilliard spoke in favor of the article. Roger Blomgren spoke against the article and provided some facts and figures concerning the cost. He felt that recycling should not be mandatory until state policy becomes clearer on how towns will be affected by waste ban regulations. Recycling should be on a voluntary basis, as it is today, with those desiring to recycle to pay their fair share. More discussion took place. The Moderator asked for vote by a show of hands, which left the Chair in doubt. The following tellers were called forward to take a hand count. Dorothy Frawley, Jean Horgan, Patricia Plank, Lucy Simonian, Jaci Matzkin. The result of the hand count: Yes 49 No 68 the article was defeated.

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UNDER ARTICLE 12 Selectman Dennis Ready moved to waive the reading of the article. Motion carried, by a show of hands. Joel Karp explained that the article basically makes a by-law out of the current trash and recycling system. He went through the article item by item. This will not be any different than the current system. The cost burden will be on only those who participate in the program. Either the user fee system can still be used, or at the will of a Town Meeting vote, funding could be appropriated. If the user fee system is used, then a program will be established call the Enterprise Fund, which will be monitored by the Town Accountant. A lengthy discussion took place, whereas a number of Representatives asked questions. The Finance Committee had no recommendation one way of the other on the article. The Board of Selectmen stated they initially wanted to table the article, due to this topic being on their up coming meeting agenda, instead Selectman Ready moved to amended the first sentence in section 8.9 to read as follows:

The Town Manager shall, based upon information provided him by the Town Finance Director, Town Accountant, and other sources recommended to the Board of Selectmen the amount of the annual or other periodic user fee and/or charges, The Board of Selectmen shall establish this fee and/or charge prior to the Annual Spring Town Meeting.

Selectman Ready explained that the Board of Selectmen and the Town Manager agreed that the Selectmen should set the user's fee in an open forum, it should not be a policy decision made by the Town Manager. The Moderator asked for the Finance Committee's recommendation on the motion to amend. The Finance Committee had no recommendation. The Board of Selectmen supported the motion. The Moderator asked for a vote by way of a show of hands, motion carried to amend.

Mark Gauthier, Member of the Board of Health, moved to amend the second sentence of Section 8.8 and the second and third sentences of Section 8.10. He felt that the Board of Health should not be involved with these particular sections. Joel Karp spoke against the motion to amend. The Moderator asked for the Finance Committee's recommendation on the motion to amend. The Finance Committee had no recommendation. The Board of Selectmen supported the motion. The Moderator asked for a show of hands on the motion to amend. Motion defeated.

Judy Hass asked for the Solid Waste Committee's recommendation on the article. Barbara Scavezze said that the Committee's only concern was with section 8.6, which would not allow subsiding other programs. This could jeopardize future additional leaf pick-ups or other programs such as this. The Moderator asked for a show of hands on the article as amended. Motion carried. The article reads as follows:

Joel Karp moved that the Town vote to amend the General By-law Article VIII Waste Disposal by adding Section 8 as follows:

Section 8: Solid Waste, Recycling and Hazardous Waste

Disposal Programs:

8.1. The Town of Chelmsford shall continue its program of curb side pickup and disposal of solid household waste through the use of a private contractor or contractors.

8.2. The Town of Chelmsford shall continue a program that encourages all residents to recycle specified items.

8.3. The Town of Chelmsford shall continue its program for the disposal of household hazardous waste and related items.

8.4. Funding for the above programs shall be through the appropriation of funds by an Annual or Special Town Meeting and/or the establishment of an annual or other periodic user or subscriber fee or charge.

8.5. In the event that a user or subscriber fee or charge is established, said funds will be accounted for and maintained in a program specific "Enterprise Fund or Account." Such fund shall be administered by the town Accountant in accordance with applicable state laws, rules and regulations, concerning this type of account.

8.6. No program shall significantly subsidize another program, except as follows:

a. Billing
In the event that an annual user or subscriber fee is established for household solid waste, the incidental cost of billing and payment processing for other programs shall be borne by the household solid waste program, provided that such billing and payment processing is included as part of the household solid waste programs billing and payment schedule.

b. Administration of Program
In the event that an annual user or subscriber fee is established for household solid waste, the cost of administering the various non-household solid waste programs shall be borne by the solid waste programs exceeds 20% of the total cost of administration, the Town shall either fund such excess amount through and increase in non-solid waste fees or other appropriation.

c. Equipment
Equipment used to administer, support, and manage the solid waste program may be utilized by other departments of the Town. Said use shall be under the direction of the Town Manager.

8.7. The Board of Health shall regulate and license trash haulers in accordance with the state laws. Said regulations shall provide for an annual or multi-year licensing period that runs concurrently with the annual user fee, if such a fee or charge is made.

8.8. The Town Manager shall be responsible for the establishment and overall management of the various programs provided for in this by-law. The Board of Health shall be

responsible for providing overall direction and enforcement of those areas of any of the programs that are assigned to it by state law, local by-law, the Board of Selectmen, or the Town Manager.

8.9. The Town Manager shall, based upon information provided him by the Town Finance Director, Town Accountant, and other sources recommended to the Board of Selectmen the amount of the annual or other periodic user fee and/or charges. The Board of Selectmen shall establish this fee and/or charge prior to the Annual Spring Town Meeting. The Town Manager shall, when presenting his budget to the Annual Spring Town Meeting, or any other Town Meeting include in his budget a provision allowing for the appropriation of funds from general town funds for any of the programs included in this by-law, the Town Manager shall implement such changes and adjust any fees and/or other charges accordingly.

8.10. All user and other fees assessed and/or charged under the terms of this by-law shall be against the assessed owner of the property. In the event that a property owner shall fail to pay a fee or charge made under this by-law the Town Manager shall be authorized to suspend the service that has not been paid for. The Town Manager shall give the property owner 10 days notice by first class mail of the action to be taken. The Town Manager shall notify the Board of Health of the proposed action.

8.11. A property owner may elect to use an alternate trash hauler to comply with the terms of this by-law and requirements of the Board of Health for the disposal of household trash provided that the alternate trash hauler has been licensed by the Board of Health and appropriate documentation is provided to the Town Manager within 30 days of the start of the annual or other service period established by the Town Manager. In the event that a property owner fails to provide the appropriate documentation, it shall be presumed that the property owner is participating in the Town programs. The Town Manager shall have the authority to establish appropriate rules and regulations for the implementation of this provision and the apportionment of fees and/or charges based upon partial year use. The Town Manager shall be authorized to establish rules and regulations that allow for abatements and payment deferral based on hardship or other similar circumstances.

8.12. In the event that a property owner wishes to appeal a decision of the Town Manager, the Board of Selectmen, upon written request by the property owner, shall hear such appeal and modify the Town Manager's decision provided that such decision shall be based upon the terms of this by-law, applicable laws, rules and regulations as they pertain to the programs included in the by-law. An affirmative vote of 3 members of the Board of Selectmen shall be required to alter a decision of the Town Manager.

8.13. In the event that the programs shall be totally funded by general funds available to the Town and that no user fee or other charge shall be required in a given fiscal year, the non-financial assets of the program shall be given to the

Town at no cost or charge. Any surplus of funds in the "Enterprise Account" shall be returned to the users as a credit against their real estate taxes and/or other fees and betterments by the Town Treasurer.

8.14. Interpretation and implementation of the terms this by-law shall be made by the Town Manager. This by-law shall go into effect at the earliest date permissible by applicable state law. All funds collected for the current year's programs shall be handled in accordance with the provisions of this by-law.

8.15. The Town Manager shall within 120 days of the adoption of this by-law prepare and make available the rules and regulations implementing the various programs included in this by-law.

UNDER ARTICLE 13 The Moderator explained that he represented the proponents of the next article, he would step down as Moderator. He asked Town Counsel James Harrington to come forward and be the Acting Town Moderator for this article. James Harrington came forward and the Tow Clerk, Mary St.Hilaire swore in James Harrington as the Acting Moderator. Bruce Harper, Superintendent of the North Water District explained the purpose of the article. It was to change a 1.72 acre parcel of land from open space to public use. Open Space under Public Utilities is a prohibited use according to the zoning by-law which was passed in 1988. The Water District looked a six sites, including the present site on Washington St. Currently the District is in the process of removing a smaller tank built in 1907, which had a capacity of 357,000 gallons. An estimate for repairs was made and because of the amount of work needed to be done, the minimum cost would be $114,000. this estimate was done prior to the damage of Hurricane Bob on August 20, 1991, in which the steel cover was blown off the tank. Presently located on the same site is a tank of 1.8 million gallions capacity, which was built in 1969. The Commissioners feel that there is a definite need to decentralize the location of any future tanks. That is why six site locations were reviewed. The furthest distance from the Washington St tank is where the new tank should be put, because the water pressure becomes lower. The Groton Road, Ward Way is the outlying area and can be serviced from the Swain Road site. The present tank could handle the commercial usage required for the Drum Hill area. However, an additional tank is needed in order to assure the complete safety of all water residential and commercial users. The Water Commissioners asked permission to allow the Engineer of the Tower, Thomas Mahanna, to speak from time to time. He is a resident but not a registered voter of the Town. The Acting Moderator asked for a show of hands on the motion, motion carried.
David McLachlan, past chairman of the Rules Committee expressed concern that the committee had requested any changes in zoning must be shown on a map or over head, or handouts. Bruce Harper brought forth a zoning map, which did show the locations of the sites in review. The Acting Moderator made a point of order that the Rules Committee request was a by-law that had just been passed and has to be

sent to the Attorney General for approval. Technically this rule in not yet in affect.
A lengthy discussion took place. A number of residents from Kelshill Road and Rhum Circle, which directly abut the Swain road site, asked questions concerning the site. Concerns were expressed about being next to the current closed dump site. There is a cap on the dump site, but could problems arise in the future? Thomas Mahanna answered because of the slope and terrain the proposed site would not be effected. It was mentioned at the public hearing about the future development of the area. The town of Westford has plans for a future development which will be on the Westford/Chelmsford town line. Is this the real reason for the proposed site, to aide the developer? Bruce Harper explained that the development does include 26 acres which would qualify and have to be serviced by the district, at some point. Kim MacKenzie read the Planning Board's recommendation on the article. The Planning Board held a Public Hearing on September 11, 1991. At the meeting on September 25, 1991, the Board voted unanimously (6-0) o recommend the designation "Open Space (OS) District, as shown on said zone map, and substituting in place thereof new lines and designation "Public (P) District, insofar as said zone map relates to the described premised. The Acting Moderator asked for the Selectmen's recommendation. The Selectmen had no position to state. The Finance Committee did not recommend the article. More discussion took place. Brad Emerson moved the question to stop debate, which requires a unanimous vote, or a hand count must be taken. The Acting Moderator asked for a show of hands twice. In which case noted 2 hands showed in opposition, and 32 were in favor, therefore he declared debate to stop. He called the tellers forward to conduct a hand count for the vote on the article. Yes 26 No 83, motion defeated.

Dennis McHugh resumed his position as Moderator and the meeting continued.

UNDER ARTICLE 14 Jeffrey Stallard explained the purpose of the article. He circulated a petition and received and qualified enough signatures to allow this article to appear. He felt that himself and those who had signed the petition agreed, that the present way that the budget is handled should be converted back to the way it was done prior to the adoption of the Charter. In the past the Moderator would read thru each department and discussion was allowed and sometimes amendments were made, and a vote was taken at the end of budget on the total monies to raise and appropriate. The budget figures shown were what the departments worked with through the fiscal year. The Finance Committee would allow transfers when necessary, but for the most part, the department head stayed within the figures as voted. Now, the Charter allows the Town Manager to present the budget. Technically only five Sub-department line items make up the entire budget. All the individual departments are categorized under Sub-departments and the total sub-departamental budget is what is used throughout the year. The Manager is allowed to make transfers within any categorized department that falls in the sub-department line item. This method doesn't really show at the year's end what

the total cost is to run a department. The Finance Committee is not in favor of the article. They feel that the operation of the budget is better when the figures are set up under the sub-department system. The Board of Selectmen oppose the article. The Moderator asked for a vote by way of a show of hands, motion defeated.

UNDER ARTICLE 15 The Moderator read the entire article. James A. Sousa moved to amend the article by adding a sentence after the first paragraph. "To be filed as a Home Rule Petition, to apply only to certain employees of the Town of Chelmsford". John Robinson explained the purpose of the article. The present civil service law allows for a five year re-hired call back list. This home rule petition would apply to only certain Chelmsford employees who were laid off due to budget cut backs. They would have a total of ten years, time to be called back to work for the Town. John Robinson explained that the age limit for taking the test for the Fire Department is 32. He is over that age, so after five years as the law now reads, he would not be eligible to come back, nor could he take another test. He wants to be a fireman and work in the Town of Chelmsford, he has already worked in the system for four years. He felt that if these additional five years are added that he would be re-hired in the future.

The Moderator asked for the Finance Committee's recommendation. The Finance Committee was not in favor of the motion to amend, or the original motion. The Board of Selectmen were in favor of amendment and the article. They felt that there wouldn't be any cost to the Town, they would be hiring a trained employee. Bernard Lynch, Town Manager, was against the article. He felt that in the private sector there is no recall time. This should be treated the same way. The Moderator asked for a vote by a show of hands, motion carried. The Article reads as follows:

James Sousa moved that the town vote to petition the Great and General Court of the Commonwealth of Massachusetts to amend the following Massachusetts General Laws, pertaining to Civil Service Law Chapter 31, Section 39. To be filed as a Home Rule Petition, to apply only to certain employees of the Town of Chelmsford.

If permanent employees in positions having the same title in a department unit are to be separated from such positions because of lack of work or money or abolition of positions, they shall, except as hereinafter provided, be separated from employment according to their seniority, so that employees senior in length of service, computed in accordance with section thirty-three, shall be retained the longest and reinstated first. Employees separated from positions under this section shall be reinstated prior to the appointment of any other applicants to fill such positions or similar positions, provided that the right to such reinstatement shall lapse at the end of the five-year period following the date of such separation.

Amended the law would read:

If permanent employees in positions having the same title in a department unit are to be separated from such positions because of lack of work or money or abolition of positions, they shall, except as hereinafter provided, be separated from employment according to their seniority in such unit and shall be reinstated in the unit and the same positions or positions similar to those formerly held by them according to such seniority, so that employees senior in length of service, computed in accordance with sections thirty-three, shall be retained the longest and reinstated first. Employees separated from positions under this section shall be reinstated prior to the appointment of any other applicants to fill such positions or similar positions, provided that the right to such reinstatement shall lapse at the end of the ten-year period following the date of such separation.

UNDER ARTICLE 16 James Geary representing Altid Enterprise asked permission from the Body to allow Barbara Carye, and Drew Leff who are non-residents to make a presentation to the body. The Moderator asked for a show of hands, motion carried. Barbara Carye spoke about the article, and how the proposed improvements would improve the property and be an asset to the Town. Drew Leff the architect gave a brief presentation showing the proposed changes to the buildings and the parking area, and stated the changes that were taking place concerning security etc. The Finance Committee had no recommendation. The Board of Selectmen were in favor. Kim MacKenzie, Chairman of the Planning Board read the Board's recommendation. The Planning Board held a public hearing on September 11, 1991. At the meeting of September 25, 1991, they voted to recommend (4-1) a zoning change of the described property, consisting of 28.5 acres of land with buildings thereon, from Neighborhood Commercial District (CA) and Limited Industrial District (IA) to a Shopping Center District (CC). A lengthy discussion took place. John Conrad spoke against the article. He said that the neighborhood concerns over the years had not been addressed and expressed disappointment with the Planning Board's recommendation. Only since the last public hearing had some of the concerns been met. Ruth Delaney spoke against the article. Ralph Nebalski expressed traffic concerns for the residents in the Dalton Road area. A number of Representatives spoke in favor. Philip Currier felt that the proposed improvements would greatly benefit the area. Edward Cady felt that where it has been there for twenty years, the zoning change should be allowed. Fran McDougall questioned if they had tied into sewage yet, and if not were they being fined? If not then why not? John Emerson of the Sewer Commission stated that they had until May of 1992 to be tied into the system, therefore no fines were required or being collected. The Moderator stated that a 2/3's vote is required. He asked the tellers to come forward and conduct a hand count Yes 80 No 42, 2/3's is 81, the motion is defeated.

Joseph Erbacher moved to have article 15 brought back for reconsideration. He felt that the show of hands was a close vote. The Moderator asked for a show of hands on the motion to reconsider article 15, motion defeated.

John Conrad moved to adjourn the Town Meeting until Thursday October 31, 1991. The Finance Committee and the Board of Selectmen were against the motion. The Moderator asked for a show of hands, motion defeated.

Scott McCaig moved to reconsider article 16. He had no opinion on way or the other on the issue. He just felt that the count was extremely close and merited another count. The Finance Committee was against the motion. The Board of Selectmen were in favor. The Moderator asked for a show of hands, motion carried to reconsider the article.

UNDER ARTICLE 16 Bradford Emerson moved the question to stop debate on the article. The Moderator asked for a vote by way of a show of hands, motion carried, unanimously. The Moderator asked for the tellers to come forward and conduct a hand count. Yes 81 No 43 2/3's is 82, motion defeated.

UNDER ARTICLE 17 Christine Gleason moved to dismiss the article. The Finance Committee was in favor of the dismissal. The Board of Selectmen were in favor of the motion. The Moderator read the Planning Board's recommendation. The Planning Board held a Public hearing on September 11, 1991. At the meeting of September 25, 1991, the board voted unanimously against (6-0) to amend the zoning by-laws article VI Special Regulations, Section 4100 Accessory Uses and Structure, by adding a new subsection 4194. The Moderator asked for a vote by way of a show of hands, motion carried.

UNDER ARTICLE 18 Jeffrey Stallard moved to amend this article to be $5,000.00 raise and appropriated, instead of $15,000, as first requested. He explained that the Town Manager does now include in the budget provisions to pay for a full time Veteran's agent. He felt that the salary should be more. The Finance Committee was in favor of the reduction but against the article. The Selectmen were against the article entirely. The Town Manager was against the article and the amendment. The Moderator asked for a show of hands on the motion to amend. Motion carried. He then asked for a show of hands on the article as amended, motion defeated.

UNDER ARTICLE 19 Selectman Dennis Ready moved that the town vote to amend the General By-laws Article VII Miscellaneous Section 5. License Fees by deleting the fourth paragraph which reads as follows:

All fees shall be increased by Five Dollars ($5.00) on the first day of the second month following the required licensing period, as outlined in Section 3 (a) of this By-Law, and by an additional Five Dollars ($5.00) on the first day of each succeeding month.

and substitute in its place the following:

All fees shall be increased by Five dollars ($5.00) on the first day of the second month following the required licensing period, as outlined in Section 3 (a) of this By-law, and by an additional Five Dollars ($5.00) on the first day of each succeeding month up to June 30th each year.

Selectman Ready explained that this would be a cap on the dog licensing process. Currently if a person doesn't get a license by the first of March they are charged $5.00 for each month that they are late. At the end of the calendar year the fee could be as much as $60.00. This by-law would allow the final cost to be $30.00 from July first through December 31st. The Board of Selectmen and the Finance Committee were in favor of the article. The Moderator asked for a show of hands, motion carried.

Seeing that there was no further business at hand, the Moderator declared the meeting adjourned. The Meeting adjourned at 11:25 PM.

_____
Dennis E. McHugh,
Moderator

_____
Mary E. St.Hilaire,
Town Clerk